

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 p.m. on March 17, 2004 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Legislative Research Department
Dennis Hodgins Legislative Research Department
Ken Wilke, Office of Revisor of Statutes
Shirley Weideman, Committee Secretary

Conferees appearing before the committee:

Kevin Siek, Topeka Independent Living Resource Center
Chrissie Frahm, People First of Shawnee County
Brad Bryant, Deputy Assistant Secretary of State
Kerrie J. Bacon, Kansas Commission on Disability Concerns, KDHR

Others attending: See Attached List.

Chairman Myers told the committee that he would build **House Substitute for SB 166** using the Amendment Grouping Code that was given to all committee members. (Attachment 1)

Ken Wilke, Revisor, gave the committee copies of SB 166 with the proposed amendments.

(Attachment 2) The chairman asked Ken to review the amendments to **Hs Sub for SB 166**, using the Grouping Codes and starting with #1 - Double identification for first time voters. Ken said that amendments under grouping 1 add "*Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered*" at the end of lines 29 and 39 on page 3; add "*and I have not previously submitted valid identification*" after 'county' on line 41 on page 6 and on line 27 on page 7; then on page 15, add "*unless such voter has previously submitted current and valid identification in the county where registered*" after 'voter' on line 27, and after 'document' on line 36.

Representative Powers moved to amend Hs Sub for SB 166 with identification for first time voters as outlined by Ken Wilke. The motion was seconded by Representative McLeland. Motion passed.

Ken Wilke reviewed the Grouping Code #2 amendment to the bill: Redefining 'disability'. He said he created a new Section 9 on page 18 to cover the definitions of disability, first time voter and HAVA. The definition for disability shall have the meaning ascribed to it in K.S.A. 44-1002. This grouping also includes changing language from "sick, physically disabled or illiterate" voter to "*a person who has a temporary illness, disability or is not proficient in reading the English language*". This language is inserted on line 12 page 5 and on line 39 on page 8. Ken said the language is changed slightly on line 24, page 15 and in the new Section 7 on page 16 from 'reason of physical disability, visual handicap or lack of proficiency in reading the English language' to "*reason of temporary illness, disability, or lack of proficiency in reading the English language*". Brad Bryant, representing the Secretary of State's office, referred to page 5 of his written testimony regarding the definition of disability. He said this language was agreed upon by the Kansas Advocacy and Protective Services Group and his office with the definition of disability being: "*Disability means, with respect to an individual : (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment*". (Attachment 3)

Representative Yonally moved and Representative Powers seconded the motion to amend Hs Sub for SB 166 with the definition of disability as outlined by Ken Wilke and approved by the Secretary of State's Office and the Kansas Advocacy & Protective Services Group. The motion carried.

Grouping Code #4 deals with: Standards for voter accessibility. Ken said there is a proposed amendment to K.S.A 25-2710 on page 13 and 14: "Standards of accessibility for voting places; exceptions (a) voting place provided by the county election officer, in which is to be held national, state, county, township, city

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at 3:30 p.m. on March 17, 2004 in Room 526-S of the Capitol.

and school primary and general elections and question submitted elections, shall be accessible to and usable by any person with a disability in compliance with the accessibility guidelines mandated pursuant to Title II of the Americans with Disabilities Act". Brad Bryant from the Secretary of State's Office said they had a proposed amendment to K.S.A. 25-2710 to bring unaccessible voting places "into compliance with such standards in the foreseeable future or the voting place will be temporarily made to comply with the standards for the time during which the polls are open" on page 4 of his testimony. Guest Michael Donnelly, Kansas Advocacy & Protective Services, said if the amendment to K.S.A 25-2710 proposed by KAPS is not acceptable, then he would be satisfied with a simple one sentence statement "*All polling places will be accessible by permanent means or temporary means on the day of the election*".

Representative Powers moved and Representative Toelkes seconded the motion to amend Hs Sub for SB 166 with the sentence suggested by Michael Donnelly. With a vote of 9 ayes and 7 nays the motion carried.

Under the amendment grouping code #5 for Clarification of signature, Ken said that the statute now requires a "handwritten" signature. He said to accommodate the disabled, the word "handwritten" would be taken out and the new definition of signature on page 13, subsection (l) and on page 16, subsection (j): "*For the purposes of this section, a signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention*" would be used. The committee discussed having the definition of signature in one section of the bill and have it apply to all sections where "signature" appears.

Representative Sawyer moved to amend Hs Sub for SB 166 with the new definition of signature in one section of the bill and have that definition apply to all places in the bill where 'signature' appears. Representative Miller seconded the motion. The motion passed.

Chairman Myers brought the committee's attention to the testimony of Chrissie Frahm, People First of Shawnee County (Attachment 4) and Kevin Siek, Topeka Independent Living Resource Center (Attachment 5). Both support the amendments offered by Kansas Advocacy & Protective Services.

Kerrie Bacon, Kansas Commission on Disability Concerns of KDHR, came before the committee with an amendment to **Hs Sub for SB 166**. She requested that information posted at the polling places include "alternative formats of communication on request; such as large print, disk, cassette tape or Braille". Ms. Bacon also requested training for election workers include "special situations including, but not limited to, alternative formats of communication, accessibility, awareness and sensitivity". (Attachment 6)

Ken gave a copy of an amendment requested by Kerrie Bacon to committee members, requiring alternate formats of communication of instructions to voters and voter's rights posted or available at the polling place as well as requiring training of election officers in the same. (Attachment 7).

Representative Sawyer moved and it was seconded by Representative Toelkes to amend Hs Sub for SB 166 with language provided by Brad Bryant's testimony, page 5, regarding K.S.A 25-2909, voting by persons requiring assistance: "(a) Any voter unable to mark such person's ballot by reason of *temporary illness, disability, or lack of proficiency in reading the English language or any voter 65 or more years of age may request assistance in voting; and (d) A voter with a disability may request that such person's ballot be brought to the entrance to the voting place, or outside the voting place at a location within a radius of 250 feet from the entrance thereof, for the purpose of allowing such voter to vote. Two members of the election board of different political parties shall take a ballot to the voter so requesting and shall remain with such voter while such person votes. In voting places where paper ballots are used, such board members shall deposit such voter's ballot in the ballot box.*" The motion carried.

Representative Yonnally moved to pass Hs Sub for SB 166 as amended favorably from the committee. Representative Sawyer seconded the motion. With 9 "aye" votes and 7 "no" votes, the motion passed.

The meeting was adjourned at 5:05 p.m.

HOUSE ETHICS AND ELECTIONS COMMITTEE

GUEST LIST

DATE: March 17, 2004

Your Name	Representing
Brad Bryant	Sec. of State
Korie Bacon	Kansas Commission on Disability Concerns
Brian Henson	Sec of State
BRYAN CASKEY	SOS
Jesse Boyce	Sec. of State
Melissa Nangemann	Sec of State
Kevin Sisk	TILRC
Sharon Joseph	KS ADAPT
CHRISSIE ^{Christie} of ROH FRAHM	PEOPLE FIRST
DAUL REYNOLD	PEOPLE FIRST
Kevin Brasel	Hern Law Firm

HOUSE SUBSTITUTE FOR SB 166

Amendment Grouping Code

1. Double ID for first time voter illuminated
2. Redefines disability
3. Technical cleanups
4. Standards for voter accessibility
5. Clarification of signature
6. Instructions for voting
7. Other

Representative Myers

House Ethics and Elections
3-17-04
Attachment 1

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2003

SENATE BILL No. 166

By Committee on Elections and Local Government

2-6

12 AN ACT concerning elections; [relating to vacancies in offices; amending
13 K.S.A. 25-318 and 25-3901 and repealing the existing section
14 section].

15
16 Be it enacted by the Legislature of the State of Kansas:
17 [Section 1. K.S.A. 25-318 is hereby amended to read as follows:
18 25-318. When a vacancy shall occur in the office of United States
19 senator from this state, the governor shall make a temporary ap-
20 pointment to fill such vacancy until the next election of represen-
21 tatives in congress, at which time such vacancy shall be filled by
22 election, and the senator so elected shall take office as soon there-
23 after as he such senator shall receive his such senator's certificate of
24 election. The person appointed to fill such vacancy shall be selected from
25 one of three persons nominated by the state committee of the same political
26 party as the prior United States senator. [The prior United States sen-
27 ator's political party shall be determined as of the date when such
28 United States senator is elected or appointed.]

29 ~~Section 1.~~ Sec. 2. K.S.A. 25-3901 is hereby amended to read as fol-
30 lows: 25-3901. As used in this act, unless the context otherwise requires,
31 the words and terms defined in article 25 of chapter 25 of Kansas Statutes
32 Annotated and amendments thereto shall have the meaning therein as-
33 cribed thereto, to the extent that the same are not in conflict with the
34 following:

35 (a) "District office" means the office of district judge, district mag-
36 istrate judge, county commissioner, state representative, state senator,
37 district attorney or county attorney.

38 (b) "Party" means a political party having a state and national organ-
39 ization and of which the officer or candidate whose position has become
40 vacant was a member. The officer's or candidate's political party shall be
41 determined as of the date when such officer or candidate is elected or
42 appointed.

43 (c) "Party candidacy" means a candidate of a political party for a party]

relating to voter identification; relating to v
disabled persons; amending K.S.A. 25-1122
amended by section 5 of 2004 Senate Bill 47
K.S.A. 25-1123, as amended by section 6 of
Senate Bill 479 and K.S.A. 25-2710 and 25-2707
and K.S.A. 2003 Supp. 25-1122, as amended by
section 4 of 2004 Senate Bill 479, K.S.A. 2003
Supp. 25-2309, as amended by section 9 of 2004
Senate Bill 479 and K.S.A. 2003 Supp. 25-2908, as
amended by section 13 of 2004 Senate Bill 479 and
K.S.A. 25-3002, as amended by section 14 of 2004
Senate Bill 479 and repealing the existing sections.

Rep. Myers

House Ethics and Elections
3-17-04
Attachment 2

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1 [nomination at a primary election or the party candidate at a general
 2 election.
 3 (d) "General election" means the election held on the Tuesday suc-
 4 ceeding the first Monday in November in even-numbered years.
 5 (e) "Primary election" means the election held on the first Tuesday
 6 in August in even-numbered years.
 7 (f) "County chairman" or "county chairperson" means the chairper-
 8 son of the county central committee, provided to be elected under K.S.A.
 9 25-3802 and amendments thereto, of the political party of which the of-
 10 ficer or candidate whose position has become vacant was a member.
 11 Sec. 3. K.S.A. ~~25-3901~~ is 25-318 and 25-3901 are hereby
 12 repealed.
 13 Sec. 4. This act shall take effect and be in force from and after its
 14 publication in the statute book.]

insert attached balloon

SENATE BILL No. 479

By Committee on Elections and Local Government

2-9

9 AN ACT concerning elections; relating to conformity with the help
10 America vote act of 2002; amending K.S.A. 25-216, 25-414, 25-1122d,
11 25-1123, 25-1216, 25-1223, 25-2507 and 25-2806 and K.S.A. 2003
12 Supp. 25-409, 25-1122, 25-2309, 25-2706, 25-2908, 25-3002 and 25-
13 3608 and repealing the existing sections.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 25-216 is hereby amended to read as follows: 25-
17 216. The right of any person to vote at any national, state, county and
18 township primary election may be challenged by any elector upon the
19 same ground and his right to vote be determined in the same manner as
20 at a national, state, county and township general election, except as oth-
21 erwise provided herein.

22 If the person offering his ~~such person's~~ vote be is challenged as un-
23 qualified on the ground that he ~~the person~~ is not a member of the party
24 announced by himself, ~~he~~ *such person, the person* shall make and sub-
25 scribe an affidavit in the following form, which shall be presented to and
26 retained by the election board, and returned by the supervising judge
27 with the poll list:

28 STATE OF KANSAS, COUNTY OF _____, ss.

29 I, _____, do solemnly swear (or affirm) that I am more than eighteen
30 years of age and am qualified to vote under and by virtue of the constitution and the laws
31 of this state of Kansas, and I am an elector of this precinct and election district; that I now
32 reside at _____ (insert street and number, if any) in this precinct; and am a
33 member of and registered voter in this jurisdiction and I am qualified to vote in this election.
34 I am affiliated with the _____ party; that I have not signed the petition of a member
35 of any other party who is seeking a nomination at this primary election; and that I have not
36 signed the nominating petition of an independent candidate for any office for which can-
37 didates are to be voted for at this primary election.

38 Subscribed and sworn to before me I declare under penalty of perjury that the foregoing
39 is true and correct, this _____ day of _____, A.D. _____.

40 _____, Voter _____, Judge of Election.

41 Sec. 2. K.S.A. 2003 Supp. 25-409 is hereby amended to read as fol-
42 lows: 25-409. (a) If any person challenged pursuant to K.S.A. 25-414, and
43 amendments thereto, shall refuse to subscribe the application for regis-

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~~K.S.A. 25-156, and amendments thereto, pursuant to a court or other order is entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.~~

~~(c) The application shall be delivered to the election judges and attached to the provisional ballot envelope. Such application and ballot envelope containing the ballot shall be transmitted to the county election officer with election returns and supplies.~~

~~(d) Following the determination of acceptance or rejection of any provisional ballot by the county board of canvassers, the county election officer shall update the registration record, if appropriate, for voting in future elections, and send, by nonforwardable first-class mail, to the address specified on the application, notice of disposition of the application. The registrant's name shall not be removed from the official list of eligible voters by reason of such a change of address except as provided in K.S.A.~~

~~25-2316c, and amendments thereto.~~

Sec. 2003 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, and such voter is a first-time voter, such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book.

(d) If a first-time voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter's name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The

as amended by section 4 of 2004 Senate Bill 479,

Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

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1 voter shall provide a valid form of identification as defined in subsection
2 (c) of this section to the county election officer in person or provide a
3 copy by mail or electronic means before the meeting of the county board
4 of canvassers. At the meeting of the county board of canvassers the county
5 election officer shall present copies of identification received from provi-
6 sional voters and the corresponding provisional ballots. If the county
7 board of canvassers determines that a voter's identification is valid and
8 the provisional ballot was properly cast, the ballot shall be counted.

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

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

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

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

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

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

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

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

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

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

43 (c) (f) Unless an earlier date is designated by the county election

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

11 An application for an advance voting ballot filed by a [sick, physically
 12 disabled or illiterate] voter or by a person rendering assistance to such
 13 voter may be filed during the regular advance ballot application periods
 14 until the close of the polls on election day.

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

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

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

✓
 who has a temporary illness or disability or
 who is not proficient in reading the English
 language

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1 inspection of any advance voting ballot application list, the person desiring
 2 to make such inspection shall provide to the county election officer identification
 3 in the form of driver's license or other reliable identification and
 4 shall sign a log book or application form maintained by such officer stating
 5 such person's name and address and showing the date and time of inspection.
 6 All records made by the county election officer shall be subject
 7 to public inspection, except that *the voter identification information required by subsections (b) and (c) and the identifying number on ballots*
 8 *and ballot envelopes and records of such number numbers shall not be*
 9 *made public.*

10
 11 (f) (i) If a person on the permanent advance voting list fails to vote
 12 in two consecutive general elections held on the Tuesday succeeding the
 13 first Monday in November of each even-numbered year, the county election
 14 officer may mail a notice to such voter. Such notice shall inform the
 15 voter that the voter's name will be removed from the permanent advance
 16 voting list unless the voter renews the application for permanent advance
 17 voting status within 30 days after the notice is mailed. If the voter fails to
 18 renew such application, the county election officer shall remove the
 19 voter's name from the permanent advance voting list. Failure to renew
 20 the application for permanent advance voting status shall not result in
 21 removal of the voter's name from the voter registration list.

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

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

29 Sec. 27. K.S.A. 25-1122d is hereby amended to read as follows: 25-
 30 1122d. (a) The application for an advance voting ballot to be transmitted
 31 by mail shall be accompanied by an affirmation in substance as follows:

32 Affirmation of an Elector of the County of _____ and State of Kansas Desiring
 33 to Vote an Advance Voting Ballot
 34 State of _____, County of _____, ss:

35 I, _____
 36 (Please print name)

37 do solemnly affirm under penalty of perjury that I am a qualified elector of the _____
 38 precinct of the _____ ward, residing at number _____ on _____
 39 street, city of _____, or in the township of _____, county of _____,
 40 and state of Kansas. My date of birth is _____ month/day/year.

41 I understand that if I have not previously voted in any election in this county, I must
 42 provide one of the following forms of identification with this application in order to receive
 43 a ballot:

as amended by section 5 of 2004 Senate Bill 479,

and I have not previously submitted valid identification

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- 1 (1) A current and valid Kansas driver's license number or nondriver's identification card
- 2 number; or
- 3 (2) the last four digits of my social security number; or
- 4 (3) a copy of a current and valid Kansas driver's license or nondriver's identification
- 5 card, utility bill, bank statement, paycheck, government check, or other government docu-
- 6 ment that shows my name and address.

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

11 _____
 12 _____
 13 Signature of voter.

14 Note: False statement on this affirmation is a class C misdemeanor severity level 9, non-

15 person felony.

16 (b) The application for an advance voting ballot to be transmitted in
 17 person shall be accompanied by an affirmation in substance as follows:
 18 Affirmation of an Elector of the County of _____ and State of Kansas Desiring
 19 to Vote an Advance Voting Ballot

20 State of _____, County of _____, ss:
 21 I, _____
 22 (Please print name)

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

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

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

35 _____
 36 Signature of voter.

37 Note: False statement on this affirmation is a severity level 9, nonper-

38 son felony.
 39 (c) An application for permanent advance voting status shall be on a
 40 form prescribed by the secretary of state for this purpose. Such applica-
 41 tion shall contain an affirmation concerning substantially the same infor-
 42 mation required in subsection (a) and in addition thereto a statement
 43 regarding the permanent character of such illness or disability.

and I have not previously submitted valid
 identification

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1 ~~(c)~~ (d) Any application by a former precinct resident shall state both
 2 the former and present residence, address, precinct and county of such
 3 former precinct resident and the date of change of residence.
 4 Sec. ~~3~~ K.S.A. 25-1123 is hereby amended to read as follows: 25-
 5 1123. (a) When an application for an advance voting ballot has been filed
 6 in accordance with K.S.A. 25-1122, and amendments thereto, the county
 7 election officer shall transmit to the voter applying therefor one each of
 8 the appropriate ballots. Except as provided by subsection (b), the county
 9 election officer shall transmit the advance voting ballots to the voter at
 10 one of the following addresses as specified by the voter on such appli-
 11 cation: (1) The voter's residential address or mailing address as indicated
 12 on the registration list; (2) the voter's temporary residential address; or
 13 (3) a medical care facility as defined in K.S.A. 65-425, and amendments
 14 thereto, psychiatric hospital, hospice or adult care home where the voter
 15 resides. No advance voting ballot shall be transmitted by the county elec-
 16 tion officer by any means prior to the 20th day before the election for
 17 which an application for an advance voting ballot has been received by
 18 such county election officer. If the advance voting ballot is transmitted
 19 by mail, such ballot shall be transmitted with printed instructions pre-
 20 scribed by the secretary of state and a ballot envelope bearing upon the
 21 outside a printed form as described in K.S.A. 25-1120, and amendments
 22 thereto, and the same number as the number of the ballot. If the advance
 23 voting ballot is transmitted to the applicant in person in the office of the
 24 county election officer or at a satellite advance voting site, such advance
 25 voting ballot and printed instructions shall be transmitted in an advance
 26 voting ballot envelope bearing upon the outside a printed form as de-
 27 scribed in K.S.A. 25-1120, and amendments thereto, and the same num-
 28 ber as the number of the ballot unless the voter elects to deposit the
 29 advance voting ballot into a locked ballot box without an envelope. All
 30 ballots shall be transmitted to the advance voting voter not more than 20
 31 days before the election but within two business days of the receipt of
 32 such voter's application by the election officer or the commencement of
 33 such 20-day period. In primary elections required to be conducted on a
 34 partisan basis, the election officer shall deliver to such voter the ballot of
 35 the political party of the applicant.
 36 (b) The restrictions in subsection (a) relating to where a county elec-
 37 tion officer may transmit an advance voting ballot shall not apply to an
 38 advance voting ballot requested pursuant to an application for an advance
 39 voting ballot filed by a [sick, physically disabled or illiterate] voter.
 40 (c) The county election officer shall compare the driver's license num-
 41 ber, nondriver's identification card number, social security number or
 42 copy of other valid identification provided by a first-time voter to the
 43 voter registration list verified by the division of motor vehicles in accord-

as amended by section 6 of 2004 Senate Bill 479,

who has a temporary illness or disability or
who is not proficient in reading the English
language

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1 *once with federal law. If no identification information was provided by*
2 *the first-time voter, or if such information does not match the information*
3 *on the voter registration list, the county election officer shall not transmit*
4 *an advance voting ballot.*

5 ~~Sec. 7. K.S.A. 25-1216 is hereby amended to read as follows: 25-~~

6 ~~1216. (a) Every person who is qualified and eligible to vote by federal~~
7 ~~services absentee ballot under the provisions of this act may make applica-~~
8 ~~tion for such ballot to the county election officer of the county of such~~
9 ~~voter's residence or to the secretary of state. Such application shall be~~
10 ~~made by postcard application provided for and prescribed in the federal~~
11 ~~act or on a form to be prescribed by the secretary of state. Any such~~
12 ~~application made before the election to be held in August of any even-~~
13 ~~numbered year also may be valid for the election to be held in November~~
14 ~~of that year shall be valid for any election at which such voter otherwise~~
15 ~~is entitled to vote between the date of the application through the next~~
16 ~~two regularly scheduled general elections for national or state office.~~

17 ~~(b) If the voter is residing outside the United States or is a member~~
18 ~~of the United States armed forces or a spouse or dependent of a member~~
19 ~~of the armed forces and a qualified elector and cannot vote timely by~~
20 ~~mail, the voter may apply for registration and an absentee ballot by fac-~~
21 ~~simile. The voter may also request that the county election officer trans-~~
22 ~~mit to such voter by facsimile a ballot or a second ballot, as the case may~~
23 ~~be. The voter may then either mail or transmit by facsimile such voter's~~
24 ~~voted ballot, back to the county election officer.~~

25 ~~If the voter chooses to transmit the voted ballot to the county election~~
26 ~~officer by facsimile, the transmittal shall contain the following statement:~~
27 ~~"I understand that by faxing my voted ballot I am voluntarily waiving my~~
28 ~~right to a secret ballot." This statement shall be followed by the voter's~~
29 ~~signature and the date. Upon receipt of the transmittal, the county elec-~~
30 ~~tion officer shall place the voted ballot along with the signed statement~~
31 ~~and affidavit in an appropriately marked envelope and seal it. The county~~
32 ~~election officer and such officer's staff shall take the steps necessary to~~
33 ~~keep the voted ballots received by facsimile as confidential as practicable.~~

34 ~~Sec. 8. K.S.A. 25-1223 is hereby amended to read as follows: 25-~~

35 ~~1223. (a) The chief state election official, as defined in K.S.A. 25-2504,~~
36 ~~and amendments thereto, shall: (1) Be responsible for providing infor-~~
37 ~~mation regarding voter registration and absentee ballot procedures; and~~
38 ~~(2) accept valid voter registrations and absentee ballot applications~~
39 ~~as required under the federal act.~~

40 ~~(b) The secretary of state may utilize the services of such election~~
41 ~~officials and county officers for such purposes and to such extent as he~~
42 ~~the secretary of state may deem appropriate in the exercise of his (the~~
43 ~~secretary of state's powers and duties under this act and it shall be the~~

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~~1 duty of such election officials and county officers to furnish the secretary
2 of state such services as the secretary of state may require and within
3 the time which the secretary of state shall prescribe.~~

as amended by section 9 of 2004 Senate Bill 479,

4 Sec. 4. K.S.A. 2003 Supp. 25-2309 is hereby amended to read as
5 follows: 25-2309. (a) Any person may apply in person, by mail, through a
6 voter registration agency, or by other delivery to a county election officer
7 to be registered. Such application shall be made on: (1) A form approved
8 by the secretary of state, which shall be provided by a county election
9 officer or chief state election official upon request in person, by telephone
10 or in writing; or (2) the mail voter registration application prescribed by
11 the federal election commission. Such application shall be signed by the
12 applicant under penalty of perjury and shall contain the original signature
13 of the applicant or the computerized, electronic or digitized transmitted
14 signature of the applicant. *add signature*

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

- 20 (1) Name;
- 21 (2) place of residence, including specific address or location, and
- 22 mailing address if the residence address is not a permissible postal ad-
23 dress;
- 24 (3) date of birth;
- 25 (4) sex;
- 26 (5) the last four digits of the person's social security number *or the*
- 27 *person's full driver's license or nondriver's identification card number;*
- 28 (6) telephone number, if available;
- 29 (7) naturalization data (if applicable);
- 30 (8) if applicant has previously registered or voted elsewhere, resi-
31 dence at time of last registration or voting;
- 32 (9) when present residence established;
- 33 (10) name under which applicant last registered or voted, if different
34 from present name;
- 35 (11) an attestation that the applicant meets each eligibility require-
36 ment;
- 37 (12) a statement that the penalty for submission of a false voter reg-
38 istration application is a maximum presumptive sentence of 17 months in
39 prison;
- 40 (13) a statement that, if an applicant declines to register to vote, the
41 fact that the applicant has declined to register will remain confidential
42 and will be used only for voter registration purposes;
- 43 (14) a statement that if an applicant does register to vote, the office

1 to which a voter registration application is submitted will remain confi-
2 dential and will be used only for voter registration purposes; and

3 (15) boxes for the applicant to check to indicate whether the applicant
4 is or is not a citizen of the United States, together with the question "Are
5 you a citizen of the United States of America?";

6 (16) boxes for the applicant to check to indicate whether or not the
7 applicant will be 18 years of age or older on election day, together with
8 the question "Will you be 18 years of age on or before election day?";

9 (17) in reference to paragraphs (15) and (16) the statement "If you
10 checked 'no' in response to either of these questions, do not complete this
11 form.";

12 (18) a statement that the applicant may be required to provide iden-
13 tification when voting; and

14 (15) (19) political party affiliation declaration, if any. An applicant's
15 failure to make a declaration will result in the applicant being registered
16 as an unaffiliated voter.

17 If the application discloses any previous registration in any other county
18 or state, as indicated by paragraph (8) or (10), or otherwise, the county
19 election officer shall upon the registration of the applicant, give notice to
20 the election official of the place of former registration, notifying such
21 official of applicant's present residence and registration, and authorizing
22 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
41 VOTE AT THIS TIME.";

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

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

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

10 (e) A voter registration agency shall transmit the completed registra-
11 tion application to the county election officer not later than five days after
12 the date of acceptance. Upon receipt of an application for registration,
13 the county election officer shall send, by nonforwardable mail, a notice
14 of disposition of the application to the applicant at the postal delivery
15 address shown on the application. If a notice of disposition is returned as
16 undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and
17 amendments thereto, shall occur.

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

21 (g) A person who completes an application for voter registration shall
22 be considered a registered voter when the county election officer adds
23 the applicant's name to the county voter registration list.

24 (h) Any registered voter whose residence address is not a permissible
25 postal delivery address shall designate a postal address for registration
26 records. When a county election officer has reason to believe that a voter's
27 registration residence is not a permissible postal delivery address, the
28 county election officer shall attempt to determine a proper mailing ad-
29 dress for the voter.

30 (i) Any registered voter may request that such person's residence ad-
31 dress be concealed from public inspection on the voter registration list
32 and on the original voter registration application form. Such request shall
33 be made in writing to the county election officer, and shall specify a clearly
34 unwarranted invasion of personal privacy or a threat to the voter's safety.
35 Upon receipt of such a request, the county election officer shall take
36 appropriate steps to ensure that such person's residence address is not
37 publicly disclosed. Nothing in this subsection shall be construed as re-
38 quiring or authorizing the secretary of state to include on the voter reg-
39 istration application form a space or other provision on the form that
40 would allow the applicant to request that such applicant's residence ad-
41 dress be concealed from public inspection.

42 (j) No application for voter registration shall be made available for
43 public inspection or copying unless the information required by para-

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1 graph (5) of subsection (b) has been removed or otherwise rendered
2 unreadable.

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

10 ~~Sec. 10. K.S.A. 25-2507 is hereby amended to read as follows: 25-
11 2507. (a) "Poll book" means a book in which each voter may sign the
12 voter's signature and a number is assigned by one of the clerks of the
13 election board when the voter is given a ballot or set of ballots, if the
14 county election officer determines that voters shall sign the poll book,
15 such book shall also contain on each page the declaration prescribed by
16 subsection (d).~~

17 (b) "Registration book" means: (1) A book or list containing the
18 names and other information relating to registered voters. Registration
19 books shall have the names entered therein before the same or copies
20 thereof are delivered to the supervising judges. Registration books may
21 also contain blank lines on which each voter shall sign the voter's signa-
22 ture. If the county election officer determines that voters shall sign the
23 registration book, such book shall also contain on each page the decla-
24 ration prescribed by subsection (d); or

25 (2) a book meeting the requirements of K.S.A. 25-2507 (b)(1), and
26 amendments thereto; containing blank lines on which each voter shall
27 sign the voter's signature; containing on each page the declaration pre-
28 scribed by subsection (d); and containing the numbers assigned by one
29 of the clerks of the election board when voters are given ballots or sets
30 of ballots.

31 (c) "Party affiliation lists" means a list containing the names of all
32 registered voters of a county who have lawfully designated a party affil-
33 iation.

34 (d) "Declaration" means the following: "I, the undersigned, declare
35 under penalty of perjury that I am ~~am~~ a qualified registered voter of in
36 the state of Kansas, county of _____, that I have not signed a name
37 other than my own in order to represent myself as any other registered
38 voter, and that I am qualified to vote and have not previously voted and
39 will not vote again at this election.

40 ~~Sec. 11. K.S.A. 2003 Supp. 25-2706 is hereby amended to read as
41 follows: 25-2706. (a) The county election officer shall prepare and furnish
42 copies of all registrations and all books, maps, instructions and blanks
43 needed for the use and guidance of election boards and voters. County~~

(L) For the purposes of this section, a signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

Sec. 5 K.S.A. 25-2710 is hereby amended to read as follows:

25-2710. Standards of accessibility for voting places; exceptions. (a) ~~Except as hereinafter provided, each voting place provided by the county election officer, in which is to be held national, state, county, township, city and school primary and general elections and question submitted elections, shall be accessible to and usable by elderly persons and by physically handicapped persons by complying when necessary with the following standards of accessibility:~~

Each

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

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

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

(4) at the voting place, no barrier shall impede the path of the physically handicapped to the voting booth.

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

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

(2) it is anticipated that the voting place will be brought into compliance with such standards in the foreseeable future or the voting place will

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~~1 election officers may adopt such rules and regulations for elections as may
2 be needed and not in conflict with state law or rules and regulations. Such
3 rules and regulations shall be submitted to the secretary of state for ap-
4 proval.~~

~~5 (b) The county election officer shall furnish printed instructions to
6 election boards, defining their duties and the law governing elections.~~

~~7 (c) (1) The county election officer shall furnish:
8 (A) Printed instructions to voters and;
9 (B) a list of voters' rights and responsibilities;
10 (C) a sample ballot;
11 (D) notification of the date of the election; and
12 (E) the polling place hours. Which
13 (2) Each of the items in paragraph (1) shall be posted in every voting
14 place at every election; and~~

~~15 (3) Wherever the secretary of state deems it advisable, the instruc-
16 tions and a list of voters' rights and responsibilities all items listed in
17 subsection (c) shall be printed in English and in a language or languages
18 other than English.~~

~~19 (d) The secretary of state shall specify the form and contents of in-
20 structions to voters, list of voters' rights and responsibilities and instruc-
21 tions to election boards. Such specifications shall be transmitted to county
22 election officers and may be changed from time to time by the secretary
23 of state.~~

~~24 Sec. 12. K.S.A. 25-2806 is hereby amended to read as follows: 25-
25 2806. The county election officer may hold a school of shall provide in-
26 struction for election board judges and clerks before each election. The
27 instruction in such school shall relate to all matters which in the opinion
28 of the county election officer require additional knowledge, explanation
29 to or training of such judges relating to elections generally, voting ma-
30 chines, ballots or duties in connection with any of the foregoing.~~

~~31 Sec. 13. K.S.A. 2003 Supp. 25-2908 is hereby amended to read as
32 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
33 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
34 2507(b)(1), and amendments thereto; or (2) a registration book, as de-
35 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-
36 tion officer shall determine which books are used in each county, and
37 which book voters shall sign.~~

~~38 (b) Persons desiring to vote shall give their names, and if required
39 their residence, to the judges of election, one of whom shall announce
40 the name in a loud and distinct tone of voice, and if the name is in the
41 registration books, the member of the election board having the registra-
42 tion record shall repeat the name. For the purpose of identifying voters
43 at the polling place, the voter shall add the voter's signature, as listed in~~

be temporarily made to comply with the standards for the time during which the polls are open.

(c) Any county election officer who selects a voting place which does not meet the standards prescribed in subsection (a) shall report such selection to the board of county commissioners.

History: L. 1977, ch. 128, § 1; July 1.

any person with a disability in compliance with the accessibility guidelines mandated pursuant to Title II of the Americans with disabilities act, (42 U.S.C. sec. 12131 et seq.)

as amended by section 13 of 2004 Senate Bill 479,

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1 the registration book, to the registration book beside the voter's printed
 2 name or to the poll book and the voter shall be allowed to vote. An
 3 election board member shall provide the required signature at the request
 4 of and on behalf of any voter who is unable to personally affix a hand-
 5 written signature by reason of physical disability, visual handicap or lack
 6 of proficiency in reading the English language or any voter 65 or more
 7 years of age. The judges shall give the voter one and only one of each
 8 ballot to be cast at the election, on the upper right-hand corner of each
 9 of which shall be written the number corresponding to the voter's number
 10 in the registration book or poll books, and the voter's name shall be
 11 marked in the registration books and the party affiliation list. If the voter
 12 refuses to sign the registration book or poll book, the election board judge
 13 shall challenge such person's vote pursuant to K.S.A. 25-414, and amend-
 14 ments thereto. A person desiring to vote shall provide to the election
 15 board: (1) the voter's name; (2) if required, the voter's address; and (3)
 16 the voter's signature on the registration or poll book.

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

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

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

22 (3) provide the required signature at the request of and on behalf of
 23 any voter who is unable to personally affix a [handwritten] signature by
 24 reason of [physical] disability, [visual handicap] or lack of proficiency in
 25 reading the English language;

temporary illness,

26 (4) if the voter is a first-time voter as described in subsection (h) of
 27 this section, request valid identification from the voter;

unless such voter has previously submitted current
 and valid identification in the county where
 registered

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

31 (6) mark the voter's name in the registration book and party affilia-
 32 tion list.

33 (d) A first-time voter shall provide to the election board a form of
 34 valid identification such as a current and valid Kansas driver's license,
 35 nondriver's identification card, utility bill, bank statement, paycheck, gov-
 36 ernment check or other government document. The document provided
 37 in accordance with this section shall contain the voter's current name and
 38 address as indicated on the registration book or poll book.

unless such voter has previously submitted current
 and valid identification in the county where
 registered

39 (e) If a first-time voter is unable or refuses to provide current and
 40 valid identification at the polling place, or if the name and address do not
 41 match the voter's name and address on the registration book or poll book,
 42 the voter may vote a provisional ballot according to K.S.A. 25-409, and
 43 amendments thereto. The voter shall provide a valid form of identification

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1 as defined in subsection (d) of this section to the county election officer
2 in person or provide a copy by mail or electronic means before the meeting
3 of the county board of canvassers. At the meeting of the county board of
4 canvassers the county election officer shall present copies of identification
5 received from provisional voters and the corresponding provisional bal-
6 lots. If the county board of canvassers determines that a voter's identifi-
7 cation is valid and the provisional ballot was properly cast, the ballot shall
8 be counted.

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

18 (e) (g) A voter who has received an advance voting ballot may vote a
19 provisional ballot on election day at the precinct polling place where the
20 voter resides. If the voter returns the advance voting ballot to a judge or
21 clerk at the precinct polling place, the judge or clerk shall void such
22 advance voting ballot. Any such provisional ballot shall be counted only
23 if the county board of canvassers determines that the provisional ballot
24 was properly cast and the voter has not otherwise voted at such election.

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

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

temporary illness

(j) For the purposes of this section, a signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

Sec. 7. K.S.A. 25-2909 is hereby amended to read as follows:

25-2909. Voting by persons requiring assistance. (a) Any voter unable to mark such person's ballot by reason of [physical] disability, [visual handicap] or lack of proficiency in reading the English language or any voter 65 or more years of age may request assistance in voting.

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

32 Sec. ⁸ ~~4~~ K.S.A. 2003 Supp. 25-3002 is hereby amended to read as
 33 follows: 25-3002. (a) The rules prescribed in this section shall apply to:
 34 (1) The original canvass by election boards.
 35 (2) Intermediate and final canvasses by county boards of canvassers.
 36 (3) Final canvass by the state board of canvassers.
 37 (4) All election contests.
 38 (5) All other officers canvassing or having a part in the canvass of any
 39 election.
 40 (b) Rules for canvassers:
 41 (1) No ballot, or any portion thereof, shall be invalidated by any technical
 42 error unless it is impossible to determine the voter's intention. De-
 43 termination of the voter's intention shall rest in the discretion of the board

(c) If a voter requests assistance due to a dis-
 abled, such voter shall be permitted to vote as
 provided by law for provisional voters.

(d) If a voting place is inaccessible to a dis-
 abled voter by reason of stairs or steps, such voter
 may request that such person's ballot be brought
 to the entrance to such voting place, for the pur-
 pose of allowing such voter to vote. Two members
 of the election board of different political parties
 shall take a ballot to the voter so requesting and
 shall remain with such voter while such person
 votes. In voting places where paper ballots are
 used, such board members shall deposit such
 voter's ballot in the ballot box. In voting places
 where voting machines are used, such voter shall
 vote on an advance voting ballot, and, if the county
 election officer so directs, the two board mem-
 bers, upon returning to the voting place, shall cast
 the voter's votes, exactly in the manner shown on
 such voter's ballot, on a voting machine. If the
 voter's votes are cast on a voting machine, the ad-
 vance voting ballots used in this subsection shall
 be marked "VOID" with a notation indicating that
 the votes thereon have been tabulated on a voting
 machine. Any such ballot, together with objected
 to and provisional ballots, shall be packaged in ac-
 cordance with K.S.A. 25-3009, and amendments
 thereto.

(e) Intoxication shall not be regarded as a
 physical disability.

History: L. 1968, ch. 406, § 22; L. 1975, ch.
 214, § 1; L. 1976, ch. 188, § 2; L. 1983, ch. 121,
 § 2; L. 1995, ch. 192, § 46; L. 1996, ch. 187, § 17;
 Apr. 25.

All polling places shall have parking, paths of
 travel, entrances, exits and voting areas that are
 accessible to individuals with disabilities and
 otherwise provide accessibility which complies with
 the accessibility guidelines mandated pursuant to
 Title II of the Americans with disabilities act, (42
 U.S.C. sec. 12131 et seq.)

as amended by section 14 of 2004 Senate Bill 479,

1 canvassing in the case of a canvass and in the election court in the case
2 of an election contest.

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

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

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

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

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

25 (1) (A) Both candidates' names are written on the ballot; or
26 (2) (B) only the name of the candidate for governor is written on the
27 ballot.

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

32 (1) (A) Both candidates' names are written on the ballot; or
33 (2) (B) only the name of the candidate for president is written on the
34 ballot.

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

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

42 (8) No ballot cast by a first-time voter [as defined in K.S.A. 25-2903,
43 and amendments thereto, or K.S.A. 25-1122, and amendments thereto,]

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1 shall be counted if the voter fails to provide valid identification.

2 ~~See 15- K.S.A. 2003 Supp. 25-3008 is hereby amended to read as~~

3 follows: 25-3008. Before leaving the voting place the supervising judge

4 shall ascertain that the election supplies and ballots that are to be returned

5 have been packaged, packed and separated as provided in this section:

6 (a) All ballots both voted and unvoted, except void, objected to and

7 provisional ballots, shall be placed in bags or sacks. Such bags or sacks

8 shall be sealed and appropriately labeled. The method of sealing and

9 labeling shall be a method approved by the secretary of state and directed

10 by the county election officer.

11 (b) Ballots that are spoiled and returned by the voter shall be marked

12 "spoiled" on the back thereof and shall be placed in the bags or envelopes

13 specified in subsection (a) of this section.

14 (c) Provisional ballot envelopes containing ballots, with applications

15 for registration attached, shall be placed in an appropriately labeled en-

16 velope, and shall be sealed as in subsection (a) of this section.

17 (d) Provisional ballot envelopes containing ballots cast after the poll-

18 ing place hours prescribed in K.S.A. 25-105, and amendments thereto,

19 pursuant to a court or other order shall be separated from the provisional

20 ballot envelopes described in subsection (c) of this section and packaged

21 and sealed as required by subsection (a) of this section.

22 (e) (e) Objected to ballots shall be placed in an appropriately labeled

23 envelope, and shall be sealed as in subsection (a) of this section.

24 (e) (f) Ballots that are cast but not counted shall be marked "void"

25 on the back thereof and shall be placed in the same envelope that contains

26 objected to ballots.

27 (f) (g) Ballots specified in subsections (a) and (b) shall be separately

28 packaged from ballots specified in subsections (c), (d) and (e), (e) and (f).

29 (g) (h) Poll books, registration books, party affiliation lists, tally sheets,

30 abstracts and election supplies not listed in the preceding subsections of

31 this section shall be returned sealed but not packaged with the items

32 specified in subsections (a), (b), (c), (d), (e) and (f), (f) and (g).

33 (h) (i) (1) If upon receiving the sealed bags or sacks of ballots after

34 the original canvass, the county election officer discovers that the board

35 which conducted the original canvass failed to provide a tally sheet of

36 write-in votes, the county election officer may appoint a special write-in

37 board to unseal the ballots and count any write-in votes which appear on

38 the ballots. Such write-in votes shall be reported to the county election

39 officer, who shall include them with the official results of the election.

40 When the board completes its tally of write-in votes, the bags or sacks

41 shall be resealed.

42 (2) The special write-in board shall be appointed by the county elec-

43 tion officer from the election boards of the county or from a pool of

New Section. 9 As used in sections 1 through 8, and amendments thereto, unless the context requires otherwise, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Disability" shall have the meaning ascribed to it in K.S.A. 44-1002 and amendments thereto.

(b) "First time voter" means a voter who has not:

(1) Voted in a federal election in this state; or

(2) (A) previously voted in the county in which the voter desires to vote; and

(B) this state has not yet complied with the HAVA computerized voting list requirements. The first time voter must comply with the identification requirements of section 303(b)(2) of HAVA.

(c) "HAVA" means the help America vote act of 2002, public law 107-252.

Section 10. K.S.A. 25-1122d, as amended by section 5 of 2004 Senate Bill 479, K.S.A. 25-1123, as amended by section 6 of 2004 Senate Bill 479 and K.S.A. 25-2710 and 25-2909 and K.S.A. 2003 Supp. 25-1122, as amended by section 4 of 2004 Senate Bill 479, K.S.A. 2003 Supp. 25-2309, as amended by section 9 of 2004 Senate Bill 479, K.S.A. 2003 Supp. 25-2908, as amended by section 13 of 2004 Senate Bill 479 and K.S.A. 2003 Supp. 25-3002, as amended by section 14 of 2004 Senate Bill 479 are hereby repealed.

Section 11. This act shall take effect and be in force from and after its publication in the statute book.

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS
House Committee on Ethics and Elections

Testimony on Substitute for SB 166

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

March 17, 2004

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Substitute for SB 166. The Secretary of State supports this bill but proposes some amendments. Our recommendations on this bill are consistent with statements made by Secretary of State Ron Thornburgh and me during this committee's hearing on SB 479, the HAVA bill, on March 8.

During the committee's deliberations on SB 479, the committee expressed interest in a compromise bill addressing the amendments proposed by the Kansas Advocacy and Protective Services (KAPS) and including language to clarify that voters will not be required to show identification more than once. We drafted such a compromise bill and provided a copy to KAPS on March 10. Today we are offering our support for the provisions of Substitute for SB 166 insofar as they agree with the compromise bill we had prepared and further compromises reached during subsequent discussions. .

Concepts in Sub. SB 166

Based on our review of the draft of Sub. SB 166, we have prepared the following list of concepts contained in the bill, presented in the order they occur in the draft.

1. Clarifies language to prevent identification of voters more than once

Pages 3, 6, 7 and 15

The Secretary of State agrees with these amendments and recommends adoption by the committee.

2. Replaces outdated language in existing laws

Pages 5, 8, 15 and 16

The Secretary of State agrees with these amendments and recommends adoption by the committee.

3. Changes definition of “first time voter”

Pages 6, 16 and 18

We do not agree with the definition of “first time voter” and recommend its removal from the bill. Adoption of this amendment would negate the compromise reached by the Governor and Secretary of State subsequent to the veto of 2003 HB 2288, and it would conflict with the provisions of SB 479, which has already been passed by this committee.

We propose the following amendments:

- a. Restore subsection (j) on page 6.
- b. Restore the language deleted in subsection (h) on page 16.
- c. Delete subsection (b) from New Section 9 on page 18.

4. Defines acceptable forms of signatures

Pages 13 and 16

The Secretary of State agrees with these amendments and recommends adoption by the committee with the following change.

We propose the following amendment:

Move the language in subsection (l) on page 13 to the end of subsection (a) on page 10.

5. Inserts references to ADA, ADAAG

Pages 13, 16 and 17

Deletes language allowing temporary use of noncompliant polling places—Page 13

Deletes language allowing temporary fixes of polling places—Page 13

Deletes language allowing voters with disabilities to receive assistance—Pages 16 and 17

The Secretary of State does not agree with these amendments and recommends their removal from the bill.

We propose the following amendments:

- a. Remove the new section containing KSA 25-2710 and replace it with the language submitted with this testimony.
- b. Remove the new section containing KSA 25-2909 and replace it with the language submitted with this testimony.

6. Definitions of “disability,” “first time voter,” and “HAVA”

Page 18

The Secretary of State has provided a definition of “disability” in the proposed amendment to KSA 25-2909. We recommend striking the definition in subsection (a) on page 18 and instead adopting the proposed amendment to KSA 25-2909, as stated in #5 above.

The Secretary of State does not believe a definition of "HAVA" is necessary, but if the committee wishes to keep it in the bill it is not harmful.

We do not agree with the definition of "first time voter" and recommend its removal from the bill, as stated in #3 above.

We urge the committee to adopt the amendments we have proposed and to report the bill favorably as amended. Thank you for your consideration.

25-2710. Standards of accessibility for voting places; exceptions. ~~(a) Except as hereinafter provided, each voting place provided by the county election officer, in which is to be held national, state, county, township, city and school primary and general elections and question submitted elections, shall be accessible to and usable by elderly persons and by physically handicapped persons by complying when necessary with the following standards of accessibility:~~

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

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

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

~~(4) at the voting place, no barrier shall impede the path of the physically handicapped to the voting booth.~~

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

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

(2) it is anticipated that the voting place will be brought into compliance with such standards in the foreseeable future or the voting place will be temporarily made to comply with the standards for the time during which the polls are open.

~~(c)~~(b) Any county election officer who selects a voting place which does not meet the accessibility standards ~~prescribed in subsection (a)~~ shall report such selection to the board of county commissioners.

History: L. 1977, ch. 128, § 1; July 1.

25-2909

Chapter 25.--ELECTIONS Article 29.--VOTING PROCEDURE

25-2909. Voting by persons requiring assistance. (a) Any voter unable to mark such person's ballot by reason of ~~physical~~ temporary illness, disability, ~~visual handicap~~ or lack of proficiency in reading the English language or any voter 65 or more years of age may request assistance in voting.

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

(c) If a voter requests assistance but is challenged, such voter shall be permitted to vote as provided by law for provisional voters.

(d) ~~If a voting place is inaccessible to a disabled voter by reason of stairs or steps, such A~~ voter with a disability may request that such person's ballot be brought to the entrance to such ~~voting place, the voting place or outside the voting place at a location within a radius of 250 feet from the entrance thereof,~~ for the purpose of allowing such voter to vote. Two members of the election board of different political parties shall take a ballot to the voter so requesting and shall remain with such voter while such person votes. In voting places where paper ballots are used, such board members shall deposit such voter's ballot in the ballot box. In voting places where voting machines are used, such voter shall vote on an electronic voting machine or on an advance voting ballot, and, if the county election officer so directs, the two board members, upon returning to the voting place, shall cast the voter's votes, exactly in the manner shown on such voter's ballot, on a voting machine. ~~If the voter's votes are cast on a voting machine, the advance voting ballots used in this subsection shall be marked "VOID" with a notation indicating that the votes thereon have been tabulated on a voting machine.~~ Any such ballot, together with objected to and provisional ballots, shall be packaged in accordance with K.S.A. 25-3008, and amendments thereto.

(e) "Disability" means, with respect to an individual:

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

(2) a record of such an impairment; or

(3) being regarded as having such an impairment by the person or entity alleged to have committed the unlawful discriminatory practice complained of.

Intoxication shall not be regarded as a physical disability.

History: L. 1968, ch. 406, § 22; L. 1975, ch. 214, § 1; L. 1976, ch. 188, § 2; L. 1983, ch. 121, § 2; L. 1995, ch. 192, § 46; L. 1996, ch. 187, § 17; Apr. 25.

Testimony before the House Ethics and Elections Committee on S166
by
Chrissie Frahm for People First of Shawnee County, Kansas
March 17, 2004

Chairman Myers and members of the committee thank you for the opportunity to appear before you today. My name is Chrissie Frahm and I am a disability rights advocate for People First of Kansas. People First is a self-advocacy group for people with disabilities and interested advocates. The group promotes the human and civil rights of people with disabilities. People First believes that all people should be treated equally and that society should be accessible to all people!

People First supports passage of the House Substitute for S166 along with S479. Both must be passed in order to bring our state laws into conformity with the Help America Vote Act (HAVA) and to insure that Kansans with disabilities can exercise their right to vote.

It is imperative that a definition of what constitutes a valid signature be included in the law. People who are visually impaired, using a signature stamp or whose signature may change over time according to the severity of their disability need this definition so that poll workers know exactly what constitutes a legal signature. Currently, there are voters with disabilities who are being turned away at the polls because of the ambiguity of the existing definition.

We also recommend the following be included in S166:

- Use the HAVA definition of a “first-time voter”, which only requires ID from first-time voters in the jurisdiction **who registered by mail** and wish to vote by advance ballot or at the polling place.
- Use of “people first” language throughout Kansas’ election laws.
- Reference the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and make it clear that all aspects of the election process must comply with the Americans with Disabilities Act.

Passage of this legislation is extremely important to voters with disabilities because for many people, like me, it means we will finally, for the first time ever, be able to cast a secret ballot. We will need both S166 and S479 to become law in order to correct the current problems with Kansas’ election laws that deny Kansans with disabilities their right to equal access to the democratic process.



Offices located in
the Historic Crawford Building

Topeka Independent Living Resource Center

785-233-4572 v/TTY • FAX 785-233-1561 • TOLL FREE 1-800-443-2207
501 SW Jackson Street • Suite 100 • Topeka, KS 66603-3300

Testimony before the House Ethics and Elections Committee on S166 March 17, 2004

Chairman Myers and members of the committee thank you for the opportunity to appear before you today. My name is Kevin Siek and I am a disability rights advocate for the Topeka Independent Living Resource Center (TILRC). Our agency is a civil and human rights organization, with a mission to advocate for justice, equality and essential services for all people with disabilities.

The House Substitute for S166 was crafted to include changes to Kansas' election laws that will allow voters with disabilities to fully participate in the democratic process. This bill along with S479 must both be passed to achieve this goal and to bring our state laws into conformity with the Help America Vote Act (HAVA).

We recommend the following be included in S166:

- The HAVA definition of a "first-time voter", which only requires ID from first-time voters in the jurisdiction **who registered by mail** and wish to vote by advance ballot or at the polling place, not the definition in S479 which goes far beyond HAVA by including anyone **who has not previously voted in any election** in the county where the voter desires to vote, including a person whose name was removed from the county registration list and who has re-registered.
- Use of "people first" language to replace the anachronistic language currently used in various Kansas election laws. For example, replacing "sick, physically disabled ... voter" with "voters with disabilities".
- Reference the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and make it clear that all aspects of the election process must comply with the Americans with Disabilities Act.
- A definition of what constitutes a valid signature. People who are visually impaired, using a signature stamp or whose signature may change over time according to the severity of their disability need this definition so that poll workers know exactly what constitutes a legal signature. Because many voters with disabilities experience extreme variation in the appearance of their signature we recommend that the use of a person's signature for identification purposes should be as limited as possible.

TILRC supports passage of S166 along with S479. We will need both to become law in order to correct the current problems with Kansas' election laws that deny some Kansans with disabilities their right to vote.



KANSAS

DEPARTMENT OF HUMAN RESOURCES
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

Testimony

Before the House Ethics and Elections Committee
Wednesday, March 17, 2004
Hearing on Substitute Senate Bill 166

Respectfully submitted by:
Kerrie J. Bacon, Legislative Liaison
Kansas Commission on Disability Concerns
Kansas Department of Human Resources

Thank you, Chairperson Myers, and members of the Committee. I appreciate the opportunity to testify today regarding Substitute S.B. 166. The Kansas Commission on Disability Concerns (KCDC) is charged with providing information to the Governor, the Legislature, and to State agencies about issues of concern to Kansans with disabilities (K.S.A. 74-6706). The purpose of the changes in this bill is mainly to support the independence of people with disabilities in regard to voting. We are in support of making changes to our current law to make voting, which is the right of every U.S. citizen, accessible to every citizen.

There are two changes to Sub. S.B. 166 that we would recommend in order to clarify responsibilities in terms of communication and training.

1. On page 14, lines 13 and 17, we would recommend clarifying the format of the information being posted to include alternate languages (as stated in KSA 25-2706 c) and "alternative formats of communication on request; such as large print, disk, cassette tape, or Braille."

People with visual impairments should have the same access to posted information as the general public.

2. On page 14, line 30, we would recommend training for election board judges and clerks include "special situations including, but not limited to, alternative formats of communication, accessibility, awareness and sensitivity."

Lines 29 through 30 are listing some of the things that the county election officer will provide in terms of training for the election board judges and clerks. We are simply asking that information about accessibility and disability awareness be included in that short list.



KANSAS

DEPARTMENT OF HUMAN RESOURCES
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

These changes would promote *all* voters having access to information and rights in regard to voting in Kansas. It would also ensure that poll workers would have information and training on making the voting process work well for voters with a disability.

Thank you again for this opportunity to testify. I will be happy to answer any questions.

KANSAS COMMISSION ON DISABILITY CONCERNS

1430 SW Topeka Boulevard, Topeka, KS 66612-1819 • voice 785-296-1722 • TTY 785-296-5044 • fax 785-296-0466
toll free 800-295-5232 (voice) • toll free 877-340-5874 (TTY) • adabbs.hr.state.ks.us/dc

Kerrie Bacon

House Ethics and Elections
3-17-04
Attachment 7

1 election officers may adopt such rules and regulations for elections as may
2 be needed and not in conflict with state law or rules and regulations. Such
3 rules and regulations shall be submitted to the secretary of state for ap-
4 proval.

5 (b) The county election officer shall furnish printed instructions to
6 election boards, defining their duties and the law governing elections.

7 (c) (1) The county election officer shall furnish:

- 8 (A) Printed instructions to voters and;
- 9 (B) a list of voters' rights and responsibilities;
- 10 (C) a sample ballot;
- 11 (D) notification of the date of the election; and
- 12 (E) the polling place hours. which

13 (2) Each of the items in paragraph (1) shall be posted in every voting
14 place at every election, and

15 (3) Wherever the secretary of state deems it advisable, the instruc-
16 tions and a list of voters' rights and responsibilities all items listed in
17 subsection (c) shall be printed in English and in a language or languages
18 other than English.

19 (d) The secretary of state shall specify the form and contents of in-
20 structions to voters, list of voters' rights and responsibilities and instruc-
21 tions to election boards. Such specifications shall be transmitted to county
22 election officers and may be changed from time to time by the secretary
23 of state.

24 Sec. 12. K.S.A. 25-2806, is hereby amended to read as follows: 25-
25 2806. The county election officer ~~may hold a school of~~ shall provide in-
26 struction for election board judges and clerks before each election. The
27 instruction ~~in such school~~ shall relate to all matters which in the opinion
28 of the county election officer require additional knowledge, explanation
29 to, or training of such judges, relating to elections generally, voting ma-
30 chines, ballots, or duties in connection with any of the foregoing.

31 Sec. 13. K.S.A. 2003 Supp. 25-2908 is hereby amended to read as
32 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
33 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
34 2507(b)(1), and amendments thereto; or (2) a registration book, as de-
35 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-
36 tion officer shall determine which books are used in each county, and
37 which book voters shall sign.

38 (b) ~~Persons desiring to vote shall give their names, and if required~~
39 ~~their residence, to the judges of election, one of whom shall announce~~
40 ~~the name in a loud and distinct tone of voice, and if the name is in the~~
41 ~~registration books, the member of the election board having the registra-~~
42 ~~tion record shall repeat the name. For the purpose of identifying voters~~
43 ~~at the polling place, the voter shall add the voter's signature, as listed in~~

on request
in alternate formats of communication; such as large
print, disk, cassette tape or braille

on request
, and in alternate formats of communication; such as
large print, disk, cassette tape or braille

as amended by section 12 of 2004 Senate Bill 479,

and clerks

special situations including, but not limited to,
alternative formats of communication, accessibility,
awareness and sensibility

1 graph (5) of subsection (b) has been removed or otherwise rendered
2 unreadable.

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

10 Sec. 10. K.S.A. 25-2507 is hereby amended to read as follows: 25-
11 2507. (a) "Poll book" means a book in which each voter may sign the
12 voter's signature and a number is assigned by one of the clerks of the
13 election board when the voter is given a ballot or set of ballots. If the
14 county election officer determines that voters shall sign the poll book,
15 such book shall also contain on each page the declaration prescribed by
16 subsection (d).

17 (b) "Registration book" means: (1) A book or list containing the
18 names and other information relating to registered voters. Registration
19 books shall have the names entered therein before the same or copies
20 thereof are delivered to the supervising judges. Registration books may
21 also contain blank lines on which each voter shall sign the voter's signa-
22 ture. If the county election officer determines that voters shall sign the
23 registration book, such book shall also contain on each page the decla-
24 ration prescribed by subsection (d); or

25 (2) a book meeting the requirements of K.S.A. 25-2507 (b)(1), and
26 amendments thereto; containing blank lines on which each voter shall
27 sign the voter's signature; containing on each page the declaration pre-
28 scribed by subsection (d); and containing the numbers assigned by one
29 of the clerks of the election board when voters are given ballots or sets
30 of ballots.

31 (c) "Party affiliation lists" means a list containing the names of all
32 registered voters of a county who have lawfully designated a party affili-
33 ation.

34 (d) "Declaration" means the following: "I, the undersigned, declare
35 under penalty of perjury that I am ~~duly a~~ *qualified registered voter of in*
36 *the state of Kansas, county of _____, that I have not signed a name*
37 *other than my own in order to represent myself as any other registered*
38 *voter, and that I am qualified to vote and have not previously voted and*
39 *will not vote again at this election.*

40 Sec. 11. K.S.A. 2003 Supp. 25-2706 is hereby amended to read as
41 follows: 25-2706. (a) The county election officer shall prepare and furnish
42 copies of all registrations and all books, maps, instructions and blanks
43 needed for the use and guidance of election boards and voters. County

as amended by section 11 of 2004 Senate Bill 479,

1 election officers may adopt such rules and regulations for elections as may
2 be needed and not in conflict with state law or rules and regulations. Such
3 rules and regulations shall be submitted to the secretary of state for ap-
4 proval.

5 (b) The county election officer shall furnish printed instructions to
6 election boards, defining their duties and the law governing elections.

7 (c) (1) The county election officer shall furnish:

8 (A) Printed instructions to voters and;

9 (B) a list of voters' rights and responsibilities;

10 (C) a sample ballot;

11 (D) notification of the date of the election; and

12 (E) the polling place hours. which

13 (2) Each of the items in paragraph (1) shall be posted in every voting
14 place at every election; and

15 (3) Wherever the secretary of state deems it advisable, the instruc-
16 tions and a list of voters' rights and responsibilities all items listed in
17 subsection (c) shall be printed in English and in a language or languages
18 other than English.

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27 instruction in such school shall relate to all matters which in the opinion
28 of the county election officer require additional knowledge, explanation
29 to, or training of such judges, relating to elections generally, voting ma-
30 chines, ballots, or duties in connection with any of the foregoing.

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35 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-
36 tion officer shall determine which books are used in each county, and
37 which book voters shall sign.

38 (b) Persons desiring to vote shall give their names, and if required
39 their residence, to the judges of election, one of whom shall announce
40 the name in a loud and distinct tone of voice, and if the name is in the
41 registration books, the member of the election board having the registra-
42 tion record shall repeat the name. For the purpose of identifying voters
43 at the polling place, the voter shall add the voter's signature, as listed in

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as amended by section 12 of 2004 Senate Bill 479.

and clerks

special situations including, but not limited to, alternative formats of communication, accessibility, awareness and sensibility