

MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Terrie Huntington at 9:40 a.m. on March 16, 2011, in Room 159-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Jill Shelley, Kansas Legislative Research Department  
Ellen Martinez, Committee Assistant

Others attending:

See attached list.

The Chairman called the meeting to order and opened the floor for final action on **HB 2067 - Voter photographic identification requirements.**

The Committee amended the bill to provide a free nonvoter identification card to anyone who swears under oath that he or she desires an identification card in order to vote in an election and does not have any of the forms of ID acceptable under the bill. The person requesting the free ID card also must produce evidence that he or she is registered to vote in Kansas. The bill would remove a penalty provision specific to an affidavit required in an earlier version of the bill. Moved by Senator Huntington, seconded by Senator Schmidt. Motion carried. (Attachment 1)

The Committee amended the bill to provide a free birth certificate to anyone who swears under oath that he or she plans to register to vote and does not possess any of the documents that constitute evidence of U.S. citizenship under the bill. The amended bill would remove a penalty provision specific to an affidavit required in an earlier version of the bill. Moved by Senator Schmidt, seconded by Senator Brungardt. Motion carried. (Attachment 2)

The Committee amended the bill to include additional language regarding ID affidavits and birth certificates referenced in Attachment 2. Moved by Senator Kelsey, seconded by Senator Petersen. Motion carried.

The Committee amended the bill to include technical corrections. Moved by Senator Schmidt, seconded by Senator Petersen. Motion carried.

The Committee amended the bill to add language regarding affidavits in the balloon amendment, referenced in Attachment 2. Moved by Senator Kelsey, seconded by Senator Petersen. Motion carried.

The Committee amended the bill to remove a section that would have authorized the Secretary of State, along with the Attorney General and district and county attorneys, to prosecute election crimes. This amendment was supported by the Secretary of State, Kris Kobach. Moved by Senator Schmidt, seconded by Senator Brungardt. Motion carried. (Attachment 3)

The Committee amended the bill to add to the bill sections dealing with various dates related to elections, amended in general to allow more days for voters who voted provisional ballots to provide identification and to ensure basic state and federal election deadlines can be met, on these subjects: deadlines for the Secretary of State and county election officers for checking nomination petitions, county notifications to the Secretary of State of a recount and recounts. Moved by Senator Kelsey, seconded by Senator Apple. Motion carried. (Attachment 4)

The Committee amended the bill section dealing with various dates related to elections, amended in general to allow more days for voters who voted provisional ballots to provide identification and to ensure basic state and federal election deadlines can be met, on county canvass dates as referenced in Attachment 1. Moved by Senator Brungardt, seconded by Senator Schmidt. Motion carried.

The Committee amended the bill to require the Secretary of State to provide notice of the voter ID requirements, using ads, public service announcements, and the websites of the Secretary of State and the

## CONTINUATION SHEET

The minutes of the Ethics and Elections Committee at 9:40 a.m. on March 16, 2011, in Room 159-S of the Capitol.

Governor. Moved by Senator Schmidt, seconded by Senator Kelsey. Motion carried. (Attachment 5)

Due to time constraints, the final action will continue on March 17, 2011. The Chairman thanked everyone for their patience during the long list of amendments.

The next meeting is scheduled for March 17, 2011.

The meeting was adjourned at 10:30 a.m.

## SENATE ETHICS AND ELECTIONS COMMITTEE GUEST LIST

**Date:** March 16, 2011

[illegible]

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2011

## HOUSE BILL No. 2067

By Representatives Kinzer, Arpke, Brown, Brunk, Burgess, Calloway, Carlson, Collins, DeGraaf, Donohoe, Fawcett, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Siegfried, Smith, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf and Worley

1-24

25-208a

25-3203

, 25-3104, 25-3107

1 AN ACT concerning elections; ~~relating to voter identification~~; amending  
2 K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431  
3 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124,  
4 25-1128, 25-2309, [25-2320,] 25-2908, 25-3002 and 65-2418 and  
5 repealing the existing sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2010 Supp. 8-1324 is hereby amended to read as  
9 follows: 8-1324. (a) Any resident who does not hold a current valid  
10 Kansas driver's license may make application to the division of vehicles  
11 and be issued one identification card.

12 (b) For the purpose of obtaining an identification card, an applicant  
13 shall submit, with the application, proof of age, proof of identity and  
14 proof of lawful presence. An applicant shall submit with the application a  
15 photo identity document, except that a non-photo identity document is  
16 acceptable if it includes both the applicant's full legal name and date of  
17 birth, and documentation showing the applicant's name, the applicant's  
18 address of principal residence and the applicant's social security account  
19 number. The applicant's social security number shall remain confidential  
20 and shall not be disclosed, except as provided pursuant to K.S.A. 74-  
21 2012, and amendments thereto. If the applicant does not have a social  
22 security number, the applicant shall provide proof of lawful presence and  
23 Kansas residency. The division shall assign a distinguishing number to  
24 the identification card. Before issuing an identification card to a person,  
25 the division shall make reasonable efforts to verify with the issuing  
26 agency the issuance, validity and completeness of each document  
27 required to be presented by the applicant to prove age, identity and lawful  
28 presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) *The division shall not require payment of application or photo fees under this subsection for any person 18 years of age or older for purposes of meeting the voter registration requirements of K.S.A. 25-2309, and amendments thereto. Such person shall sign an affidavit to be*

or accept

identification

25-2908

~~submitted to the secretary of revenue stating that such person plans to register to vote and that the person receives:~~

~~(A) Food assistance, general assistance, supplemental security income (SSI), temporary assistance for families, medicaid assistance, united tribes food distribution program, bureau of Indian affairs general assistance, tribally administered temporary assistance for needy families or meal assistance through the national school lunch program; or~~

~~(B) resides in a household whose income is 150% or less of the federal poverty level.~~

~~(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).~~

~~(4) Any person who signs an affidavit under paragraph (2) knowing the information is false shall be guilty of a class C misdemeanor.~~

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

- (1) The person owns, leases or rents a place of domicile in this state;
- (2) the person engages in a trade, business or profession in this state;
- (3) the person is registered to vote in this state;
- (4) the person enrolls the person's child in a school in this state; or
- (5) the person registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2010 Supp. 75-455, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county

: (A) swear under oath that he or she desires an identification card in order to vote in an election in Kansas and that he or she does not possess any of the forms of identification acceptable under K.S.A. 25-2908. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908.

(B) Such person shall also produce evidence that he or she is registered to vote in Kansas.

1 election officer where such person is a resident, or where such person is  
2 authorized by law to vote as a former precinct resident, an application for  
3 an advance voting ballot. The signed application shall be transmitted only  
4 to the county election officer by personal delivery, mail, facsimile or as  
5 otherwise provided by law.

6 (b) If the registered voter is applying for an advance voting ballot to  
7 be transmitted in person, ~~and such voter is a first time voter,~~ such voter  
8 shall provide *identification pursuant to K.S.A. 25-2908, and amendments*  
9 *thereto. a form of valid identification such as a current and valid Kansas*  
10 *driver's license, nondriver's identification card, utility bill, bank*  
11 *statement, paycheck, government check or other government document*  
12 *containing the voter's current name and address as indicated on the*  
13 *registration book. Such voter shall not be required to provide*  
14 *identification if such voter has previously provided current and valid*  
15 *identification in the county where registered.*

16 (c) If the registered voter is applying for an advance voting ballot to  
17 be transmitted by mail, ~~and such voter is a first time voter,~~ such voter  
18 shall provide ~~on~~with the application for an advance voting ballot the  
19 voter's current and valid Kansas driver's license number, nondriver's  
20 identification card number or *a photocopy of any other identification*  
21 *provided by K.S.A. 25-2908, and amendments thereto. the last four digits*  
22 *of the voter's social security number, or shall provide with the application*  
23 *a copy of the voter's current and valid Kansas driver's license, nondriver's*  
24 *identification card, utility bill, bank statement, paycheck, government*  
25 *check or other government document containing the voter's current name*  
26 *and address as indicated on the registration book. Such voter shall not be*  
27 *required to provide identification if such voter has previously provided*  
28 *current and valid identification in the county where registered.*

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

34 (1) The voter is unable or refuses to provide current and valid  
35 identification; or

36 (2) the name and address of the voter provided on the  
37 application for an advance voting ballot do not match the voter's  
38 name and address on the registration book. The voter shall provide a  
39 valid form of identification as defined in ~~subsection (c) of K.S.A. 25-~~  
40 ~~2908, and amendments thereto, this section~~ to the county election officer  
41 in person or provide a copy by mail or electronic means before the  
42 meeting of the county board of canvassers. At the meeting of the county  
43 board of canvassers the county election officer shall present copies of

1 identification received from provisional voters and the corresponding  
2 provisional ballots. If the county board of canvassers determines that a  
3 voter's identification is valid and the provisional ballot was properly cast,  
4 the ballot shall be counted.

5 (e) *No county election officer shall provide an advance voting ballot*  
6 *to a person who is requesting an advance voting ballot to be transmitted*  
7 *by mail unless:*

8 (1) *The county election official verifies that the signature of the*  
9 *person matches that on file in the county voter registration records.*  
10 *Signature verification may occur by electronic device or by human*  
11 *inspection. In the event that the signature of a person who is requesting*  
12 *an advance voting ballot does not match that on file, the county election*  
13 *officer shall attempt to contact the person and shall offer the person*  
14 *another opportunity to ~~mail-in~~ provide such person's signature for the*  
15 *purposes of verifying the person's identity. If the county election officer*  
16 *is unable to reach the person, the county election officer may transmit a*  
17 *provisional ballot, however, such provisional ballot may not be counted*  
18 *unless a signature is included therewith that can be verified; and*

19 (2) *the person provides such person's full Kansas driver's license*  
20 *number, Kansas nondriver's identification card number issued by the*  
21 *division of vehicles, or submits such person's application for an advance*  
22 *voting ballot and a copy of identification provided by K.S.A. 25-2908,*  
23 *and amendments thereto, to the county election officer for verification. If*  
24 *a person applies for an advance voting ballot to be transmitted by mail*  
25 *but fails to provide identification pursuant to this subsection or the*  
26 *identification of such person cannot be verified by the county election*  
27 *officer, the county election officer shall provide information to such*  
28 *person regarding the voter rights provisions of subsection (d) and shall*  
29 *provide such person an opportunity to provide identification pursuant to*  
30 *this subsection. For the purposes of this act, Kansas state offices and*  
31 *offices of any subdivision of the state will allow any person seeking to*  
32 *vote by an advance voting ballot the use a photocopying device to make*  
33 *one photocopy of an identification document at no cost.*

34 (e)(f) *Applications for advance voting ballots to be transmitted to the*  
35 *voter by mail shall be filed only at the following times:*

36 (1) *For the primary election occurring on the first Tuesday in August*  
37 *in even-numbered years, between April 1 of such year and the last*  
38 *business day of the week preceding such primary election.*

39 (2) *For the general election occurring on the Tuesday succeeding the*  
40 *first Monday in November in even-numbered years, between 90 days*  
41 *prior to such election and the last business day of the week preceding*  
42 *such general election.*

(3) *For the primary election held five weeks preceding the first*



1 Tuesday in April, between January 1 of the year of such election and the  
2 last business day of the week preceding such primary election.

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

6 (5) For question submitted elections occurring on the date of a  
7 primary or general election, the same as is provided for ballots for  
8 election of officers at such election.

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

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

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

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

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

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

41 The county election officer may designate places other than the central  
42 county election office as satellite advance voting sites. At any satellite  
43 advance voting site, a registered voter may obtain an application for

1 advance voting ballots. Such ballots and instructions shall be delivered to  
2 the voter in the same manner and subject to the same limitations as  
3 otherwise provided by this subsection.

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

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

36 ~~(i)~~(j) If a person on the permanent advance voting list fails to vote in  
37 two consecutive general elections held on the Tuesday succeeding the  
38 first Monday in November of each even-numbered year, the county  
39 election officer may mail a notice to such voter. Such notice shall inform  
40 the voter that the voter's name will be removed from the permanent  
41 advance voting list unless the voter renews the application for permanent  
42 advance voting status within 30 days after the notice is mailed. If the  
voter fails to renew such application, the county election officer shall

remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

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

(k) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define ~~defining~~ valid forms of identification.

Sec. 3. K.S.A. 2010 Supp. 25-1122d is hereby amended to read as follows: 25-1122d. (a) The application for an advance voting ballot to be transmitted by mail shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring to Vote an Advance Voting Ballot

State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

I,

\_\_\_\_\_

(Please print name)

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

I understand that ~~if I have not previously voted in any election in this county and I have not previously submitted valid identification, a current and valid Kansas driver's license number or Kansas nondriver's identification card number must be provided in order to receive a ballot. If I do not have a current and valid Kansas driver's license number or Kansas nondriver's identification card number, I must provide one of the following forms of identification with this application in order to receive a ballot:~~

(1) ~~A current and valid Kansas driver's license number or nondriver's identification card number, or~~ A copy of any one of the following types of photographic identification: a driver's license issued by Kansas or by another state or district of the United States, a state identification card issued by Kansas or by another state or district of the United States, a concealed carry of ~~weapon~~ handgun license issued by Kansas or a

1 **concealed carry of handgun or weapon license issued by another state**  
 2 **or district of the United States, a United States passport, an employee**  
 3 **badge or identification document issued by a municipal, county, state, or**  
 4 **federal government office or agency, a military identification document**  
 5 **issued by the United States, a student identification card issued by a**  
 6 **public an accredited post secondary institution of education in the state**  
 7 **of Kansas, or a public assistance identification card issued by a**  
 8 **municipal, county, state, or federal government office or agency; and.**

9 ~~(2) the last four digits of my social security number; or a copy of any~~  
 10 ~~one of the following types of proof of current address: a utility bill, bank~~  
 11 ~~statement, paycheck, government check, or other government document~~  
 12 ~~that shows my name and address.~~

13 ~~(3) a copy of a current and valid Kansas driver's license or~~  
 14 ~~nondriver's identification card, utility bill, bank statement, paycheck,~~  
 15 ~~government check, or other government document that shows my name~~  
 16 ~~and address.~~

17 I am entitled to vote an advance voting ballot and I have not voted and  
 18 will not otherwise vote at the election to be held on \_\_\_\_\_ (date).  
 19 My political party is \_\_\_\_\_ (to be filled in only when requesting  
 20 primary election ballots). I desire my ballots to be sent to the following  
 21 address:

22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 Signature of voter.

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

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

29 Affirmation of an Elector of the County of \_\_\_\_\_ and State  
 30 of Kansas Desiring to Vote an Advance Voting Ballot

31 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

32 I, \_\_\_\_\_

33 (Please print name)

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

39 ~~I understand that if I have not previously voted in any election in this~~  
 40 ~~county and I have not previously submitted valid identification, a current~~  
 41 ~~and valid Kansas driver's license number or Kansas nondriver's~~  
 42 ~~identification card number must be provided in order to receive a ballot.~~  
 43 ~~If I do not have a current and valid Kansas driver's license number or~~

~~Kansas nondriver's identification card number, I must provide one of the following forms of identification with this application in order to receive a ballot:~~

~~(1) A current and valid Kansas driver's license number or nondriver's identification card; utility bill, bank statement, paycheck, government check or other government document that shows my name and address; A copy of any one of the following types of photographic identification: a driver's license issued by Kansas or by another state or district of the United States, a state identification card issued by Kansas or by another state or district of the United States, a concealed carry of weapon license issued by Kansas or by another state or district of the United States, a United States passport, an employee badge or identification document issued by a municipal, county, state, or federal government office or agency, a military identification document issued by the United States, a student identification card issued by a public post secondary institution in the state of Kansas, or a public assistance identification card issued by a municipal, county, state, or federal government office or agency; and~~

~~(2) a copy of any one of the following types of proof of current address: a utility bill, bank statement, paycheck, government check, or other government document that shows my name and address.~~

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

\_\_\_\_\_  
\_\_\_\_\_  
Signature of voter.

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

(c) An application for permanent advance voting status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) and in addition thereto a statement regarding the permanent character of such illness or disability.

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

(e) *The secretary of state may adopt rules and regulations in order to implement the provisions of this section.*

Sec. 4. K.S.A. 2010 Supp. 25-1123 is hereby amended to read as follows: 25-1123. (a) When an application for an advance voting ballot

1-10

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

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

37 (c) The county election officer shall compare the driver's license  
38 number, nondriver's identification card number, ~~social security number~~ or  
39 copy of other valid identification provided by a ~~first-time~~ voter to the  
40 voter registration list verified by the division of ~~motor~~ vehicles in  
41 accordance with federal law. If no identification information was  
42 provided by the ~~first-time~~ voter; or if such information does not match the  
43 information on the voter registration list, the county election officer shall

1 ~~not transmit an~~ **transmit a provisional** advance voting ballot.

2 Sec. 5. K.S.A. 2010 Supp. 25-1124 is hereby amended to read as  
3 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter  
4 shall cast such voter's vote as follows: The voter shall make a cross or  
5 check mark in the square or parentheses opposite the name of each  
6 candidate or question for whom the voter desires to vote. The voter shall  
7 make no other mark, and shall allow no other person to make any mark,  
8 upon such ballot. If the advance voting ballot was transmitted by mail, the  
9 voter personally shall place the ballot in the ballot envelope bearing the  
10 same number as the ballot and seal the envelope. The voter shall  
11 complete the form on the ballot envelope and shall sign the same. Except  
12 as provided by K.S.A. 25-2908, and amendments thereto, the ballot  
13 envelope shall be mailed or otherwise transmitted to the county election  
14 officer. If the advance voting ballot was transmitted to the voter in person  
15 in the office of the county election officer or at a satellite advance voting  
16 site, the voter may deposit such ballot into a locked ballot box without an  
17 envelope.

18 (b) Any ~~sick, physically disabled or illiterate~~ voter who *has an*  
19 *illness or physical disability or who is not proficient in reading the*  
20 *English language* that is unable to apply for or mark or transmit an  
21 advance voting ballot, may request assistance by a person who has signed  
22 a statement required by subsection (d) in applying for or marking an  
23 advance voting ballot.

24 (c) Any voted ballot may be transmitted to the county election  
25 officer by the voter or by another person ~~upon request of~~ *designated in*  
26 *writing* by the voter. Any such voted ballot shall be transmitted to the  
27 county election officer before the close of the polls on election day.

28 (d) The county election officer shall allow a person to assist a ~~sick,~~  
29 ~~physically disabled or illiterate~~ voter who *has an illness or physical*  
30 *disability or who is not proficient in reading the English language* in  
31 applying for or marking an application or advance voting ballot, provided  
32 a written statement is signed by the person who renders assistance to the  
33 ~~sick, physically disabled or illiterate~~ voter who *has an illness or physical*  
34 *disability or who is not proficient in reading the English language* and  
35 *such statement* is submitted to the county election officer with the  
36 application or ballot. The statement shall be on a form prescribed by the  
37 secretary of state and shall contain a statement from the person providing  
38 assistance that the person has not exercised undue influence on the voting  
39 decision of the ~~sick, physically disabled or illiterate~~ voter who *has an*  
40 *illness or physical disability or who is not proficient in reading the*  
41 *English language* and that the person providing assistance has completed  
42 the application or marked the ballot as instructed by the ~~sick, physically~~  
43 ~~disabled or illiterate~~ voter.

1 (e) Any person assisting a ~~sick, physically disabled or illiterate~~ voter  
2 *who has an illness or physical disability or who is not proficient in*  
3 *reading the English language* in applying for or marking an advance  
4 voting ballot who knowingly ~~and willfully~~ fails to sign and submit the  
5 statement required by this section or who exercises undue influence on  
6 the voting decision of such voter shall be guilty of a severity level 9,  
7 nonperson felony.

8 Sec. 6. K.S.A. 2010 Supp. 25-1128 is hereby amended to read as  
9 follows: 25-1128. (a) No voter shall *knowingly* mark or transmit to the  
10 county election officer more than one advance voting ballot, or set of one  
11 of each kind of ballot, if the voter is entitled to vote more than one such  
12 ballot at a particular election.

13 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,  
14 no person shall *knowingly* interfere with or delay the transmission of any  
15 advance voting ballot application from a voter to the county election  
16 officer, nor shall any person mail, fax or otherwise cause the application  
17 to be sent to a place other than the county election office. Any person or  
18 group engaged in the distribution of advance voting ballot applications  
19 shall mail, fax or otherwise deliver any application signed by a voter to  
20 the county election office within two days after such application is signed  
21 by the applicant.

22 (c) Except as otherwise provided by law, no person other than the  
23 voter, shall *knowingly* mark, sign or transmit to the county election officer  
24 any advance voting ballot or advance voting ballot envelope.

25 (d) *Except as otherwise provided by law, no person shall knowingly*  
26 *sign an application for an advance voting ballot for another person. This*  
27 *provision shall not apply if a voter has a disability preventing the voter*  
28 *from signing an application or if an immediate family member signs an*  
29 *application on behalf of another immediate family member with proper*  
30 *authorization being given.*

31 ~~(d)(e)~~ No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-  
32 1124, and amendments thereto, shall *knowingly* intercept, interfere with,  
33 or delay the transmission of advance voting ballots from the county  
34 election officer to the voter.

35 ~~(e)(f)~~ No person shall *knowingly* ~~willfully~~ and falsely affirm, declare  
36 or subscribe to any material fact in an affirmation form for an advance  
37 voting ballot; or set of advance voting ballots. ~~if the voter is entitled to~~  
38 ~~vote more than one kind of advance voting ballot at a particular election,~~  
39 ~~or in a declaration form on an advance voting ballot envelope.~~

40 ~~(f)~~ Nothing in this section shall be construed to prohibit any person  
41 ~~from mailing, carrying or otherwise conveying advance voting ballots or~~  
42 ~~sets of advance voting ballots to the county election officer upon request~~  
of advance voting voters.



(g) A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.

~~(g) (h) Violation of any provision of this section is a class C misdemeanor, severity level 9, nonperson felony.~~

class C misdemeanor
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**Sec. 7. K.S.A. 25-2203 is hereby amended as follows: 25-2203. (a) There is hereby established the state election board, the members of which shall be the lieutenant governor, the secretary of state and the attorney general. The state election board shall meet on the call of the secretary of state.**

**(b) The state election board shall:**

**(1) Adopt rules and regulations for determination of apportionment of election expenses among the subdivisions of government. Such rules and regulations shall identify and define the election expenses which are direct and those which are indirect, or shall define sufficient means of making determination thereof;**

**(2) assess information provided by any applicant for voter registration as evidence of citizenship pursuant to K.S.A. 25-2309(m), and amendments thereto; and**

**(3) The state election board shall make such additional rules and regulations as it deems advisable relating to payment of election expenses.**

~~Sec. 7. 8. K.S.A. 2010 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the national mail voter registration application prescribed by form the issued pursuant to federal law. election commission. Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant. 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.~~

**(b) Applications made under this section shall give voter eligibility**

1 requirements and such information as is necessary to *prevent duplicative*  
2 *voter registrations and enable the relevant election officer to assess the*  
3 *eligibility of the applicant and to administer voter registration, identify*  
4 ~~the applicant and to determine the qualifications of the applicant as an~~  
5 ~~elector and the facts authorizing such person to be registered~~, including,  
6 but not limited to, the following data *to be kept by the relevant election*  
7 *officer as provided by law:*

8 (1) Name;

9 (2) place of residence, including specific address or location, and  
10 mailing address if the residence address is not a permissible postal  
11 address;

12 (3) date of birth;

13 (4) sex;

14 (5) the last four digits of the person's social security number or the  
15 person's full driver's license or nondriver's identification card number;

16 (6) telephone number, if available;

17 (7) naturalization data (if applicable);

18 (8) if applicant has previously registered or voted elsewhere,  
19 residence at time of last registration or voting;

20 (9) when present residence established;

21 (10) name under which applicant last registered or voted, if different  
22 from present name;

23 (11) an attestation that the applicant meets each eligibility  
24 requirement;

25 (12) a statement that the penalty for submission of a false voter  
26 registration application is a maximum presumptive sentence of 17 months  
27 in prison;

28 (13) a statement that, if an applicant declines to register to vote, the  
29 fact that the applicant has declined to register will remain confidential  
30 and will be used only for voter registration purposes;

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

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

37 (16) *boxes for the county election officer or chief state election*  
38 *official to check to indicate whether the applicant has provided with the*  
39 *application the information necessary to assess the eligibility of the*  
40 *applicant, including such applicant's United States citizenship;*

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

1     ~~(17)~~ (18) in reference to paragraphs (15) and ~~(16)~~(17) the statement  
2 "If you checked 'no' in response to either of these questions, do not  
3 complete this form.";

4     ~~(18)~~ (19) a statement that the applicant ~~may~~shall be required to  
5 provide identification when voting; and

6     ~~(19)~~ (20) political party affiliation declaration, if any. An applicant's  
7 failure to make a declaration will result in the applicant being registered  
8 as an unaffiliated voter.

9     If the application discloses any previous registration in any other  
10 county or state, as indicated by paragraph (8) or (10), or otherwise, the  
11 county election officer shall upon the registration of the applicant, give  
12 notice to the election official of the place of former registration, notifying  
13 such official of applicant's present residence and registration, and  
14 authorizing cancellation of such former registration. *This section shall be*  
15 *interpreted and applied in accordance with federal law. No eligible*  
16 *applicant whose qualifications have been assessed shall be denied*  
17 *registration.*

18     (c) Any person who applies for registration through a voter  
19 registration agency shall be provided with, in addition to the application  
20 under subsection (b), a form which includes:

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

23         (2) a statement that if the applicant declines to register to vote, this  
24 decision will remain confidential and be used only for voter registration  
25 purposes;

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

29         (4) if the agency provides public assistance, (i) the statement  
30 "Applying to register or declining to register to vote will not affect the  
31 amount of assistance that you will be provided by this agency.";

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

37         (iii) the statement "If you would like help in filling out the voter  
38 registration application form, we will help you. The decision whether to  
39 seek or accept help is yours. You may fill out the application form in  
40 private."; and

41         (iv) the statement "If you believe that someone has interfered with  
42 your right to register or to decline to register to vote, your right to privacy  
43 in deciding whether to register or in applying to register to vote, or your

1 right to choose your own political party or other political preference, you  
2 may file a complaint with the Kansas Secretary of State."

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

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

13 (f) If an application is received while registration is closed, such  
14 application shall be considered to have been received on the next  
15 following day during which registration is open.

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

19 (h) Any registered voter whose residence address is not a  
20 permissible postal delivery address shall designate a postal address for  
21 registration records. When a county election officer has reason to believe  
22 that a voter's registration residence is not a permissible postal delivery  
23 address, the county election officer shall attempt to determine a proper  
24 mailing address for the voter.

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

37 (j) No application for voter registration shall be made available for  
38 public inspection or copying unless the information required by  
39 paragraph (5) of subsection (b) has been removed or otherwise rendered  
40 unreadable.

41 (k) If an applicant fails to answer the question prescribed in  
42 paragraph (15) of subsection (b), the county election officer shall send the  
application to the applicant at the postal delivery address given on the

1 application, by nonforwardable mail, with a notice of incompleteness.  
2 The notice shall specify a period of time during which the applicant may  
3 complete the application in accordance with K.S.A. 25-2311, and  
4 amendments thereto, and be eligible to vote in the next election.

5 *(l) The county election officer or secretary of state's office shall*  
6 ~~reject any application for registration that is not accompanied by~~  
7 ~~satisfactory evidence of United States citizenship~~ **accept any completed**  
8 **application for registration, but an applicant shall not be registered**  
9 **until the applicant has provided satisfactory evidence of United**  
10 **States citizenship.** *Evidence of United States citizenship as required in*  
11 *this section will be satisfied by presenting one of the documents listed in*  
12 *paragraphs (1) through (6) (13) of subsection (l) in person at the time of*  
13 *filing the application for registration or by including a photocopy of one*  
14 *of the following documents with a mailed registration application. After a*  
15 *person has submitted satisfactory evidence of citizenship, the county*  
16 *election officer shall indicate this information in the person's permanent*  
17 *voter file. Evidence of United States citizenship shall be satisfied by*  
18 *providing one of the following, or a legible photocopy of one of the*  
19 *following documents:*

20 *(1) The applicant's driver's license or nondriver's identification card*  
21 ~~*originally issued after April 20, 2007, issued*~~ **issued** *by the division of vehicles*  
22 *or the equivalent governmental agency of another state within the United*  
23 *States if the agency indicates on the applicant's driver's license or*  
24 *nondriver's identification card that the person has provided satisfactory*  
25 *proof of United States citizenship;*

26 *(2) the applicant's birth certificate that verifies United States*  
27 *citizenship to the satisfaction of the county election officer or secretary of*  
28 *state;*

29 *(3) pertinent pages of the applicant's United States valid or expired*  
30 *passport identifying the applicant and the applicant's passport number,*  
31 *or presentation to the county election officer of the applicant's United*  
32 *States passport;*

33 *(4) the applicant's United States naturalization documents or the*  
34 *number of the certificate of naturalization. If only the number of the*  
35 *certificate of naturalization is provided, the applicant shall not be*  
36 *included in the registration rolls until the number of the certificate of*  
37 *naturalization is verified with the United States bureau of citizenship and*  
38 *immigration services by the county election officer or the secretary of*  
39 *state, pursuant to 8 U.S.C. § 1373(c);*

40 *(5) other documents or methods of proof of United States citizenship*  
41 *issued by the federal government pursuant to the immigration and*  
42 *nationality act of 1952, and amendments thereto; or*

43 *(6) the applicant's bureau of Indian affairs card number, tribal treaty*

1 *card number or tribal enrollment number;*

2 (7) the applicant's consular report of birth abroad of a citizen of  
3 the United States of America;

4 (8) the applicant's certificate of citizenship issued by the United  
5 States citizenship and immigration services;

6 (9) the applicant's certification of report of birth issued by the  
7 United States department of state;

8 (10) the applicant's American Indian card, with KIC  
9 classification, issued by the United States department of homeland  
10 security;

11 (11) the applicant's final adoption decree showing the applicant's  
12 name and United States birthplace;

13 (12) the applicant's official United States military record of  
14 service showing the applicant's place of birth in the United States; or

15 (13) an extract from a United States hospital record of birth  
16 created at the time of the applicant's birth indicating the applicant's  
17 place of birth in the United States.

18 (m) If an applicant is a United States citizen but does not have  
19 any of the documentation listed in this section as satisfactory  
20 evidence of United States citizenship, such applicant may submit any  
21 evidence that such applicant believes demonstrates the applicant's  
22 United States citizenship.

23 (1) Any applicant seeking an assessment of evidence under this  
24 subsection may directly contact the elections division of the secretary  
25 of state by submitting a voter registration application or form as  
26 described by this section and any supporting evidence of United  
27 States citizenship. Upon receipt of this information, the secretary of  
28 state shall notify the state election board, as established under K.S.A.  
29 25-2203, and amendments thereto, that such application is pending.

30 (2) The state election board shall give the applicant an  
31 opportunity for a hearing and an opportunity to present any  
32 additional evidence to the state election board. Notice of such hearing  
33 shall be given to the applicant at least five days prior to the hearing  
34 date. An applicant shall have the opportunity to be represented by  
35 counsel at such hearing.

36 (3) The state election board shall assess the evidence provided by  
37 the applicant to determine whether the applicant has provided  
38 satisfactory evidence of United States citizenship. A decision of the  
39 state election board shall be determined by a majority vote of the  
40 election board.

41 (4) If an applicant submits an application and any supporting  
evidence prior to the close of registration for an election cycle, a  
determination by the state election board shall be issued at least five

1 days before such election date.

2 (5) If the state election board finds that the evidence presented  
3 by such applicant constitutes satisfactory evidence of United States  
4 citizenship, such applicant will have met the requirements under this  
5 section to provide satisfactory evidence of United States citizenship.

6 (6) If the state election board finds that the evidence presented  
7 by an applicant does not constitute satisfactory evidence of United  
8 States citizenship, such applicant shall have the right to appeal such  
9 determination by the state election board by instituting an action  
10 under 8 U.S.C. § 1503. Any negative assessment of an applicant's  
11 eligibility by the state election board shall be reversed if the applicant  
12 obtains a declaratory judgment pursuant to 8 U.S.C. § 1503,  
13 demonstrating that such applicant is a national of the United States.

14 ~~(m)~~ (n) Any person who is registered in this state on the effective  
15 date of this amendment to this section is deemed to have provided  
16 satisfactory evidence of citizenship and shall not be required to resubmit  
17 evidence of citizenship.

18 ~~(n)~~ (o) For purposes of this section, proof of voter registration from  
19 another state is not satisfactory evidence of United States citizenship.

20 ~~(o)~~ (p) A registered Kansas voter who moves from one residence to  
21 another within the state of Kansas or who modifies such voter's  
22 registration records for any other reason shall not be required to submit  
23 evidence of United States citizenship.

24 ~~(p)~~ (q) All documents submitted as evidence of citizenship shall be  
25 kept confidential by the county election officer or the secretary of state  
26 and maintained as provided by Kansas record retention laws. The  
27 provisions of this subsection shall expire on July 1, 2016, unless the  
28 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,  
29 and amendments thereto, prior to July 1, 2016.

30 ~~(q)~~ (r) The secretary of state may adopt rules and regulations to in  
31 order to implement the provisions of this section.

32 (s) Nothing in this section shall prohibit an applicant from  
33 providing, or the secretary of state or county election officer from  
34 obtaining satisfactory evidence of United States citizenship, as  
35 described in subsection (1), at a different time or in a different  
36 manner than an application for registration is provided, as long as  
37 the applicant's eligibility can be adequately assessed by the secretary  
38 of state or county election officer as required by this section.

39 [Sec. 9. K.S.A. 2010 Supp. 25-2320 is hereby amended to read as  
40 follows: 25-2320. (a) The county election officer shall allow access to  
41 any person at any time during regular business hours, under  
42 supervision of the county election officer for the purpose of  
43 examining the voter registration books, active voter lists and other

1 lists of voters required to be kept. Any person may make a written  
2 request for a copy of the registration books at any time except on any  
3 election day. The election officer is hereby directed to provide one or  
4 more copies which are accurate insofar as practicable of such books  
5 to the person so requesting. The election officer shall provide such  
6 copies to the person within 10 days following the request if so  
7 requested. The expense of making such copies shall be paid by the  
8 person requesting them. The cost of copies shall be established by the  
9 county election officer at a price which is not more than the actual  
10 cost and shall be set uniformly in order that the price therefor shall  
11 be the same for all persons requesting identical copies.

12 (b) No voter registration record shall be made available for  
13 public inspection or copying unless the individual's social security  
14 number, *driver's license number, nondriver's identification card number*  
15 or any part thereof, has been removed or otherwise been rendered  
16 unreadable.]

17 Sec.—9. [10.] K.S.A. 25-2352 is hereby amended to read as  
18 follows: 25-2352. (a) (1) Each Kansas division of motor vehicles  
19 driver's license application and nondriver identification card  
20 application (including any renewal application) submitted to a  
21 division of motor vehicles office in Kansas shall serve as an  
22 application for voter registration unless the applicant fails to sign the  
23 voter registration application. An individual who completes the  
24 application for voter registration and is otherwise eligible shall be  
25 registered to vote in accordance with the information supplied by the  
26 individual.

27 (2) An application for voter registration submitted under  
28 subsection (a)(1) shall be considered as updating any previous voter  
29 registration by the applicant.

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

31 (1) May require a second signature or other information that  
32 duplicates, or is in addition to, information in the driver's license or  
33 nondriver's identification card section of the application to prevent  
34 duplicate voter registrations, and to enable Kansas election officials  
35 to assess the eligibility of the applicant and to administer voter  
36 registration and other parts of the election process;

37 (2) shall include a statement that specifies each eligibility  
38 requirement for voting, contains an attestation that the applicant  
39 meets each such requirement, including citizenship, and requires the  
40 signature of the applicant, under penalty of perjury;

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



1 purposes;

2 (4) shall include a statement that if an applicant does register to  
3 vote, the office at which the applicant submits a voter registration  
4 application will remain confidential and will be used only for voter  
5 registration purposes;

6 (5) shall be made available by the division of vehicles (as  
7 submitted by the applicant, or in machine-readable or other format)  
8 to the secretary of state and county election officers, as provided by  
9 rules and regulations adopted by the secretary of state; and

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

12 (c) The motor vehicle driver's license and nondriver  
13 identification card form used for change of residence address shall  
14 also serve as a notification of change of residence address for voter  
15 registration for elections, unless the registrant states on the form that  
16 the change is not for voter registration purposes.

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

21 (e) Following the line fixed for the signature of the applicant on  
22 the application for voter registration, a statement shall be printed  
23 stating that the penalty for submission of a false voter registration  
24 application is a maximum presumptive sentence of 17 months in  
25 prison.

26 (f) *The department of revenue or an employee of the department of*  
27 *revenue acting within the scope of the employee's employment shall not*  
28 *be liable for any damages resulting from any claim based on the*  
29 *department of revenue's transfer of any motor vehicle record information*  
30 *to the secretary of state that is required or permitted by law.*

31 (f) (g) The secretary of state is hereby authorized to adopt such  
32 rules and regulations in the manner prescribed by law as may be  
33 necessary for the administration of the provisions of this section.

34 ~~Sec. 8. 10. [11.] K.S.A. 25-2411 is hereby amended to read as~~  
35 ~~follows: 25-2411. Election perjury is intentionally and knowingly falsely~~  
36 ~~swearing, affirming, declaring or subscribing to any of the following: (a)~~  
37 ~~Statements in answer to questions put to a person who has been~~  
38 ~~challenged as unqualified to vote.~~

39 ~~(b) Statements in answer to questions put to a witness concerning the~~  
40 ~~qualifications of any person to vote.~~

41 ~~(c) Statements contained in any affidavit or declaration which is~~  
42 ~~prescribed by chapter 25 of the Kansas Statutes Annotated or any other~~  
43 ~~election law of the state, or which is prescribed in any manner by the~~

1 secretary of state or any county election officer under the election laws of  
2 this state.

3 ~~(d) Statements in answer to questions put by a county election~~  
4 ~~officer or deputy county election officer relating to application for voter~~  
5 ~~registration of any person.~~

6 ~~(e) Statements in answer to questions put by an election board~~  
7 ~~member to a person asking for voter assistance because of age, visual~~  
8 ~~handicap, lack of proficiency in reading the English language or physical~~  
9 ~~disability.~~

10 ~~(f) Statements of any witness at an election contest.~~

11 ~~Election perjury is a severity level 98, nonperson felony.~~

12 ~~Sec. 9. 11. [12.] K.S.A. 25-2416 is hereby amended to read as~~  
13 ~~follows: 25-2416. (a) Voting without being qualified is knowingly; and~~  
14 ~~willfully: (a)~~

15 ~~(1) Voting or attempting to vote at in any election district when not a~~  
16 ~~lawfully registered voter in such election district; or~~

17 ~~(2) voting or attempting to vote at any election by a person who is~~  
18 ~~not a citizen of the United States or who does not otherwise meet the~~  
19 ~~qualifications of an elector.~~

20 ~~(b) Voting or offering to vote more than once at the same election.~~

21 ~~(c) Inducing or aiding any person to vote more than once at the same~~  
22 ~~election.~~

23 ~~(b) Voting without being qualified is a severity level 8, nonperson~~  
24 ~~felony; class A misdemeanor.~~

25 ~~Sec. 10. 12. [13.] K.S.A. 25-2423 is hereby amended to read as~~  
26 ~~follows: 25-2423.~~

27 ~~(a) Election tampering is, while being charged with no election duty,~~  
28 ~~making or changing any election record.~~

29 ~~(b) Election tampering is a severity level 87, nonperson felony.~~

30 ~~Sec. 11. 13. [14.] K.S.A. 25-2431 is hereby amended to read as~~  
31 ~~follows: 25-2431.~~

32 ~~(a) False impersonation of a voter is representing oneself as another~~  
33 ~~person whether real or fictitious and thereas thereby voting or attempting~~  
34 ~~to vote.~~

35 ~~(b) False impersonation of a voter is a severity level 98, nonperson~~  
36 ~~felony.~~

11

37 ~~Sec. 12. 14. [15.]~~ K.S.A. 2010 Supp. 25-2908 is hereby amended to  
38 read as follows: 25-2908. (a) Each polling place shall use either: (1) A  
39 registration book and a poll book, as defined in K.S.A. 25-2507(a) and  
40 K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration  
41 book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The  
county election officer shall determine which books are used in each  
county, and which book voters shall sign.

(b) A person desiring to vote shall provide to the election board: (1) The voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's signature on the registration or poll book; *and (4) a valid form of identification listed in subsection (h).* 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.

(c) A member of the election board shall:

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

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

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

~~(4) if the voter is a first time voter as described in subsection (h) of this section, request valid identification from the voter unless such voter has previously submitted current and valid identification in the county where registered; request a valid form of identification from the voter. If the member of the election board is satisfied that the voter is the person depicted in the identification and that the identification provided is one of the valid forms of identification listed in subsection (h), the member of the election board shall place such member's initials in the space provided and allow the voter to vote;~~

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

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

~~(d) A first time voter shall provide to the election board 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 unless such voter has previously submitted current and valid identification in the county where registered. The document provided in accordance with this section shall contain the voter's current name and address as indicated on the registration book or poll book.~~

~~(e)~~(d) If a ~~first time~~ voter is unable or refuses to provide current and valid identification ~~at the polling place, or if the,~~ the voter may vote a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto. If the voter's name and address do not match the voter's name

1 and address on the registration book or poll book, the voter may vote a  
2 provisional ballot according to K.S.A. 25-409, and amendments thereto.  
3 The voter shall provide a valid form of identification as defined in  
4 subsection ~~(d)~~(h) of this section to the county election officer in person or  
5 provide a copy by mail or electronic means before the meeting of the  
6 county board of canvassers. At the meeting of the county board of  
7 canvassers the county election officer shall present copies of  
8 identification received from provisional voters and the corresponding  
9 provisional ballots. If the county board of canvassers determines that a  
10 voter's identification is valid and the provisional ballot was properly cast,  
11 the ballot shall be counted.

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

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

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

34 ~~(i)~~ (g) The secretary of state may adopt rules and regulations *in*  
35 *order to implement the provisions of this section and defined* defining valid  
36 forms of identification *with greater specificity, however the requirement*  
37 *that a voter must provide a form of identification that complies with the*  
38 *subsection (h) may not be altered.*

39 (h) (1) The following forms of identification shall be valid if the  
40 identification contains the name and photograph of the ~~applicant~~ voter  
41 and has not expired. Expired documents shall be valid if the bearer of the  
document is 65 years of age or older:

(A) A driver's license issued by Kansas or by another state or

1 *district of the United States;*

2 *(B) a state identification card issued by Kansas or by another state*  
 3 *or district of the United States;*

4 *(C) a concealed carry of handgun license issued by Kansas or a*  
 5 **concealed carry of handgun or weapon license issued** *by another state*  
 6 *or district of the United States;*

7 *(D) a United States passport;*

8 *(E) an employee badge or identification document issued by a*  
 9 *municipal, county, state, or federal government office or agency;*

10 *(F) a military identification document issued by the United States;*

11 *(G) a student identification card issued by a public an accredited*  
 12 *postsecondary institution of education in the state of Kansas; or*

13 *(H) a public assistance identification card issued by a municipal,*  
 14 *county, state, or federal government office or agency.*

15 ~~*(2) If the address on the submitted form of identification is not*~~  
 16 ~~*current, the person may submit any one of the following documents in*~~  
 17 ~~*addition to the identification above to establish the person's current*~~  
 18 ~~*address: a utility bill, bank statement, paycheck, government check or*~~  
 19 ~~*other government document. Documents provided in accordance with this*~~  
 20 ~~*section shall contain the voter's current name and address as indicated on*~~  
 21 ~~*the registration book or poll book.*~~

22 ~~*(3) (2) If the person fails to furnish the identification required by this*~~  
 23 ~~*subsection, the person shall be allowed to vote a provisional ballot. The*~~  
 24 ~~*canvassing board shall determine the validity of the ballot pursuant to*~~  
 25 ~~*K.S.A. 25-3002, and amendments thereto.*~~

26 *(i) The following persons are exempt from the photographic*  
 27 *identification document requirements of this section:*

28 *(1) Persons with a permanent physical disability that makes it*  
 29 *impossible for such persons to travel to a county or state office to obtain*  
 30 *a qualifying form of identification and are have qualified for permanent*  
 31 *advance voting status under K.S.A. 25-1124, and amendments thereto;*

32 *(2) members of the uniformed service on active duty who, by reason*  
 33 *of such active duty, are absent from the county on election day;*

34 *(3) members of the merchant marine who, by reason of service in*  
 35 *the merchant marine, are absent from the county on election day;*

36 *(4) the spouse or dependent of a member referred to in paragraph*  
 37 *(2) or (3), who, by reason of the active duty or service of the member, is*  
 38 *absent from the county on election day; and*

39 *(5) any voter whose religious beliefs prohibit photographic*  
 40 *identification. Any person seeking an exemption under this provision*  
 41 *must complete and transmit a declaration concerning such religious*  
 42 *beliefs to the county election officer or the Kansas secretary of state. The*  
 43 *declaration form shall be available on the official website of the Kansas*

1 *secretary of state.*

2 ~~Sec. 13-15. [16.]~~ K.S.A. 2010 Supp. 25-3002 is hereby amended to  
3 read as follows: 25-3002. (a) The rules prescribed in this section shall  
4 apply to:

12

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

11 (b) Rules for canvassers:

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

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

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

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

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

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

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

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

42 (5) A write-in vote for those candidates for the offices of president  
and vice-president shall not be counted unless the pair of candidates have

1 filed an affidavit of candidacy pursuant to K.S.A. 25-305, and  
2 amendments thereto, and:

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

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

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

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

13 (8) No ballot cast by a first time voter as defined by K.S.A. 25-1122,  
14 and amendments thereto, or K.S.A. 25-2908, and amendments thereto,  
15 shall be counted if the voter fails to provide valid identification as  
16 defined by K.S.A. 25-2908, and amendments thereto.

17 Sec. 14. 16. [17.] K.S.A. 2010 Supp. 65-2418 is hereby amended to  
18 read as follows: 65-2418. (a) (1) The secretary shall fix and charge by  
19 rules and regulations the fees to be paid for certified copies or abstracts of  
20 certificates or for search of the files for birth, death, fetal death, marriage  
21 or divorce records when no certified copy or abstract is made. Except as  
22 otherwise provided in this section, the secretary shall remit all moneys  
23 received by or for the secretary from fees, charges or penalties, under the  
24 uniform vital statistics act, and amendments thereto, to the state treasurer  
25 in accordance with the provisions of K.S.A. 75-4215, and amendments  
26 thereto. Upon receipt of each such remittance, the state treasurer shall  
27 deposit the entire amount in the state treasury to the credit of the civil  
28 registration and health statistics fee fund created by K.S.A. 2010 Supp.  
29 65-2418e, and amendments thereto.

30 (2) The secretary shall not charge any fee for a certified copy of a  
31 certificate or abstract or for a search of the files or records if the  
32 certificate, abstract or search is requested by a person who exhibits  
33 correspondence from the United States department of veterans affairs or  
34 the Kansas commission on veterans' affairs which indicates that the  
35 person is applying for benefits from the United States department of  
36 veterans affairs and that such person needs the requested information to  
37 obtain such benefits, except that, for a second or subsequent certified  
38 copy of a certificate, abstract or search of the files requested by the  
39 person, the usual fee shall be charged. The secretary may provide by rules  
40 and regulations for exemptions from such fees.

41 (3) The secretary shall not charge any fee for a certified copy of a  
42 birth certificate if the certificate is requested by any person who is 18  
43 years of age or older for purposes of meeting the voter registration

13

or accept

1 requirements of K.S.A. 25-2309, and amendments thereto. Such person  
 2 shall ~~sign an affidavit to be submitted to the secretary stating that such~~  
 3 ~~person plans to register to vote and that the person receives:~~

4 ~~(A) Food assistance, general assistance, supplemental security~~  
 5 ~~income (SSI), temporary assistance for families, medicaid assistance,~~  
 6 ~~united tribes food distribution program, bureau of Indian affairs general~~  
 7 ~~assistance, tribally administered temporary assistance for needy families~~  
 8 ~~or meal assistance through the national school lunch program; or~~

9 ~~(B) resides in a household whose income is 150% or less of the~~  
 10 ~~federal poverty level.~~

11 ~~(C) The secretary shall adopt rules and regulations in order to~~  
 12 ~~implement the provisions of this subsection.~~

13 ~~(D) Any person who signs an affidavit provided in this subsection~~  
 14 ~~knowing the information is false shall be guilty of a class C misdemeanor.~~

15 (3)(4) Upon receipt of any such remittance of a fee for a certified  
 16 copy of a birth certificate or abstract, \$3 of each such fee for the first  
 17 copy of a birth certificate or abstract and \$1 of each such fee for each  
 18 additional copy of the same birth certificate or abstract requested at the  
 19 same time shall be remitted to the state treasurer in accordance with the  
 20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
 21 each such remittance, the state treasurer shall deposit the entire amount in  
 22 the state treasury to the credit of the permanent families account of the  
 23 family and children investment fund created by K.S.A. 38-1808, and  
 24 amendments thereto. The balance of the money received for a fee for a  
 25 certified copy of a birth certificate or abstract shall be remitted to the state  
 26 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
 27 amendments thereto. Upon receipt of each such remittance, the state  
 28 treasurer shall deposit the entire amount in the state treasury to the credit  
 29 of the civil registration and health statistics fee fund created under this  
 30 act.

31 (4)(5) Upon receipt of any such remittance of a fee for a certified  
 32 copy of a death certificate or abstract, \$4 of each such fee for the first  
 33 certified copy of a death certificate or abstract and \$2 of each such fee for  
 34 each additional copy of the same death certificate or abstract requested at  
 35 the same time shall be remitted to the state treasurer in accordance with  
 36 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
 37 of each such remittance, the state treasurer shall deposit the entire amount  
 38 in the state treasury to the credit of the district coroners fund created by  
 39 K.S.A. 22a-245, and amendments thereto. The balance of the money  
 40 received for a fee for a certified copy of a death certificate or abstract  
 41 shall be remitted to the state treasurer in accordance with the provisions  
 42 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
 remittance, the state treasurer shall deposit the entire amount in the state

swear under oath: (1) that he or she plans to register to vote in  
 Kansas; and (2) that he or she does not possess any of the  
 documents that constitute evidence of United States citizenship  
 under K.S.A. 25-2309(1). The affidavit shall specifically list the  
 documents that constitute evidence of United States citizenship  
 under K.S.A. 25-2309(1)



1 treasury to the credit of the civil registration and health statistics fee fund  
2 created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

3 (b) Subject to K.S.A. 65-2415, and amendments thereto, the national  
4 office of vital statistics may be furnished copies or data it requires for  
5 national statistics. The state shall be reimbursed for the cost of furnishing  
6 the data. The data shall not be used for other than statistical purposes by  
7 the national office of vital statistics unless so authorized by the state  
8 registrar of vital statistics.

9 ~~New Sec. 15-17. (a) The duty and independent authority to appear~~  
10 ~~in any court having jurisdiction within the state of Kansas and prosecute~~  
11 ~~or defend on behalf of the people all actions and proceedings, civil or~~  
12 ~~criminal, which involve an election crime, attempted election crime or~~  
13 ~~violation related to any election law shall be vested in:~~

14 ~~(1) The district or county attorney of the county where such~~  
15 ~~violations occurred;~~

16 ~~(2) the Kansas attorney general; or~~

17 ~~(3) the Kansas secretary of state.~~

18 ~~(b) If one of the officers listed in section (a) has commenced an~~  
19 ~~action a prosecution or proceeding which involves an election crime,~~  
20 ~~attempted election crime or violation related to any election law, the other~~  
21 ~~officers listed in section (a) may provide assistance to the prosecuting~~  
22 ~~officer but may not commence a separate prosecution or proceeding.~~

23 ~~New Sec. 16-17. [18.] (a) Voting more than once is knowingly:~~

24 ~~(1) Voting or offering to vote more than once at the same election; or~~

25 ~~(2) inducing or aiding any person to vote more than once at the same~~  
26 ~~election.~~

27 ~~(b) Voting more than once is a severity level 8, nonperson felony.~~

28 ~~Sec. 17-18. [19.] If any provision of this act is held to be~~  
29 ~~unconstitutional under the United States or Kansas constitutions, that~~  
30 ~~provision shall be severed from the act, and the other provisions of this~~  
31 ~~act shall remain valid and in effect.~~

32 ~~Sec. 18-19. [20.] K.S.A. [25-2203, 25-2352, 25-2411, 25-2416, 25-~~  
33 ~~2423 and 25-2431] and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d,~~  
34 ~~25-1123, 25-1124, 25-1128, 25-2309, [25-2320,] 25-2908, 25-3002 and~~  
35 ~~65-2418 are hereby repealed.~~

36 ~~Sec. 19-20. [21.] This act shall take effect and be in force from and~~  
37 ~~after January 1, 2012, and its publication in the statute book.~~

New Sec. 14. The secretary of state shall provide advance notice of the personal identification requirements of this act in a manner calculated to inform the public generally of the requirements for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet websites of the secretary of state and governor.

See insert

25-208a

and 25-3203

, 25-3104, 25-3107

1-31

1     INSERT:

2     Sec. 15. K.S.A. 25-208a is hereby amended to read as follows: 25-  
3     208a. (a) Within 10 days, ~~Saturdays, Sundays and holidays not included,~~  
4     from the date of the filing of nomination petitions or a declaration of  
5     intention to become a candidate for United States senator or  
6     representative or for state office, the secretary of state shall determine the  
7     validity of such petitions or declaration.

8     The secretary of state shall send a copy of all petitions to the county  
9     election officer of the county of the district in which the nomination  
10    petition was passed. The county election officer shall check the petitions  
11    only for valid signatures and certify the results of such check to the  
12    secretary of state within 10 days, ~~Saturdays, Sundays and holidays not~~  
13    ~~included,~~ of the date the petitions were filed with the secretary. The  
14    secretary of state upon receipt of the validated petition from the county  
15    election officer shall notify the candidate of the validity of the petition.

16    (b) Within three days from the date of the filing of nomination  
17    petitions or a declaration of intention to become a candidate for county or  
18    township office or for precinct committeeman or committeewoman, the  
19    county election officer shall determine the validity of such petitions or  
20    declaration.

21    (c) If any nomination petitions or declarations are found to be  
22    invalid, the secretary of state or the county election officer, as the case  
23    may be, shall notify the candidate on whose behalf the petitions or  
24    declaration was filed that such nomination petitions or declaration have  
25    been found to be invalid and the reason for the finding. Such candidate  
26    may make objection to the finding of invalidity by the secretary of state  
27    or the county election officer in accordance with K.S.A. 25-308 and  
28    amendments thereto.

29    Sec. 16. K.S.A. 25-3203 is hereby amended to read as follows: 25-  
30    3203. If the secretary of state fails to receive the final abstract of the  
31    intermediate canvass of any national or state election from any county by  
32    the second Tuesday next after any election, the secretary shall dispatch a  
33    special messenger to obtain a copy of the same, and the county election  
34    officer shall immediately, on demand of such messenger, make out and  
35    deliver to such messenger the copy required. Thereupon, the messenger  
36    shall deliver such copy to the secretary of state without delay. The  
37    expenses of such messenger shall be paid by the secretary of state, and  
38    the secretary of state shall be reimbursed therefor by such county.

39    Any county conducting a recount pursuant to K.S.A. 25-3107 shall  
40    notify the secretary of state of the recount and shall set a date, subject to  
41    approval by the secretary of state, when the county election officer shall  
42    submit the intermediate abstract of the county to the secretary of state.



1       Sec. 17. K.S.A. 2010 Supp. 25-3104 is hereby amended to read  
2 as follows: 25-3104. The original canvass of every election shall be  
3 performed by the election boards at the voting places. The county election  
4 officer shall present the original returns, together with the ballots, books  
5 and any other records of the election, for the purpose of canvass, to the  
6 county board of canvassers at any time between ~~8:00~~ 8 a.m. And ~~10:00~~ 10  
7 a.m. on the ~~Friday~~ Monday next following any election held on a  
8 Tuesday, except that the county election officer may move the canvass to  
9 the ~~Monday~~ next second Thursday following the election if notice is  
10 published prior to the canvass in a newspaper with general circulation in  
11 the county. For elections not held on a Tuesday, the canvass by the county  
12 board of canvassers shall be held on a day and hour designated by it, and  
13 not later than the fifth day following the day of such election.

14       Sec. 18. K.S.A. 2010 Supp. 25-3107 is hereby amended to read as  
15 follows: 25-3107. (a) At the time of commencement of any canvass by  
16 the county board of canvassers the county election officer shall present to  
17 the county board of canvassers the preliminary abstracts of election  
18 returns, together with the ballots and records returned by the election  
19 boards. The county board of canvassers shall inspect and check the  
20 records presented by the county election officer and shall hear any  
21 questions which the county election officer believes appropriate for  
22 determination of the board. The county board of canvassers shall do what  
23 is necessary to obtain an accurate and just canvass of the election and  
24 shall finalize the preliminary abstract of election returns by making any  
25 needed changes, and certifying its authenticity and accuracy. The  
26 certification of the county board of canvassers shall be attested by the  
27 county election officer. Neither the county board of canvassers nor the  
28 county election officer shall open or unseal sacks or envelopes of ballots,  
29 except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and  
30 amendments thereto, or other specific provision of law or as is authorized  
31 to carry out a recount under subsection (b).

32       (b) If a majority of the members of the county board of canvassers  
33 shall determine that there are manifest errors appearing on the face of the  
34 poll books of any election board, which might make a difference in the  
35 result of any election, or if any candidate shall request the recount of the  
36 ballots cast in all or in only specified voting areas for the office for which  
37 such person is a candidate, or if any registered elector who cast a ballot in  
38 a question submitted election requests a recount in all or only specified  
39 voting areas to determine the result of the election, the county board of  
40 canvassers shall cause a special election board appointed by the county  
41 election officer to meet under the supervision of the county election  
2 officer and recount the ballots with respect to any office or question  
3 submitted specified by the county board of canvassers or requested by

1 such candidate or elector. If a recount is required in a county that uses  
2 optical scanning systems as defined in K.S.A. 25-4601 et seq., and  
3 amendments thereto, or electronic or electromechanical voting systems,  
4 as defined in K.S.A. 25-4401, and amendments thereto, the method of  
5 conducting the recount shall be at the discretion of the person requesting  
6 such recount. The county election officer shall not be a member of such  
7 special election board. Before the special election board meets to recount  
8 the ballots upon a properly filed request, the party who makes the request  
9 shall file with the county election officer a bond, with security to be  
10 approved by the county or district attorney, conditioned to pay all costs  
11 incurred by the county in making such recount. In the event that the  
12 candidate requesting the recount is declared the winner of the election as  
13 a result of the recount, or if as a result of the recount a question submitted  
14 is overturned, no action shall be taken on the person's bond and the  
15 county shall bear the costs incurred for the recount. Any recount must be  
16 requested in writing and filed with the county election officer not later  
17 than ~~12:00 noon on the Monday following the election or, if the canvass~~  
18 ~~is held on Monday, not later than 5:00 p.m. on the Tuesday next following~~  
19 ~~the election 5:00 p.m. on the day following the meeting of the county~~  
20 ~~board of canvassers.~~ The request shall specify which voting areas are to  
21 be recounted. The county election officer shall immediately notify any  
22 candidate involved in the election for which such recount is requested, or  
23 shall notify the county chairperson of each candidate's party. Any such  
24 recount shall be initiated not later than the following day and shall be  
25 completed not later than 5:00 p.m. on ~~Friday of such week or, if the~~  
26 ~~recount request is made on the Tuesday after the election because of a~~  
27 ~~Monday canvass, not later than 5:00 p.m. the next following Monday the~~  
28 ~~fifth day following the filing of the request for a recount, including~~  
29 ~~Saturdays, Sundays and holidays.~~ Upon completion of any recount under  
30 this subsection, the election board shall package and reseal the ballots as  
31 provided by law and the county board of canvassers shall complete its  
32 canvass. The members of the special election board shall be paid as  
33 prescribed in K.S.A. 25-2811 and amendments thereto for time actually  
34 spent making the recount.

35 (c) (1) The provisions of this subsection shall apply to candidates  
36 at any election for:

- 37 (A) Any state or national office elected on a statewide basis;  
38 (B) the office of president or vice president of the United States;  
39 (C) the office of members of United States house of  
40 representatives;  
41 (D) office of members of state senate or house of representative  
42 whose district is located in two or more counties; and  
43 (E) office of members of state board of education.

1-34

1 (2) Any candidate may request a recount in one or more counties.  
2 Any such recount must be requested in writing and filed with the  
3 secretary of state not later than ~~12:00 noon on the Monday following the~~  
4 ~~election or, if the canvass in one or more counties in the district is held on~~  
5 ~~Monday, not later than 5:00 p.m. on the Tuesday next following the~~  
6 ~~election 5:00 p.m. on the second Friday following the election.~~ The  
7 request shall specify which counties are to be recounted. If a recount is  
8 required in a county that uses optical scanning systems as defined in  
9 K.S.A. 25-4601, and amendments thereto, or electronic or  
10 electromechanical voting systems, as defined in K.S.A. 25-4401, and  
11 amendments thereto, the method of conducting the recount shall be at the  
12 discretion of the person requesting such recount. Except as provided by  
13 this subsection and subsection (d), the person requesting the recount shall  
14 file with the secretary of state a bond, with security to be approved by the  
15 secretary of state, conditioned to pay all costs incurred by the counties  
16 and the secretary of state in making such recount. The amount of the bond  
17 shall be determined by the secretary of state. A candidate described in  
18 paragraphs (D) and (E) of subsection (c)(1) may post a bond as provided  
19 by subsection (b) in lieu of the bond required by this subsection. In the  
20 event that the candidate requesting the recount is declared the winner of  
21 the election as a result of the recount, no action shall be taken on the  
22 candidate's bond and the counties shall bear the costs incurred for the  
23 recount.

24 (3) The secretary of state immediately shall notify each county  
25 election officer affected by the recount and any candidate involved in the  
26 election for which such recount is requested. If the candidate cannot be  
27 reached, then the secretary of state shall notify the state chairperson of  
28 such candidate's party. Any such recount shall be conducted under the  
29 supervision of the county election officers at the direction of the secretary  
30 of state, and shall be initiated not later than the following day and shall be  
31 completed not later than 5:00 p.m. on ~~Friday of such week or, if the~~  
32 ~~request is made on the Tuesday after the election because of a Monday~~  
33 ~~canvass, not later than 5:00 p.m. on the next following Monday the fifth~~  
34 ~~day following the filing of the request for a recount, including Saturdays,~~  
35 ~~Sundays and holidays.~~ Each county election officer involved in the  
36 recount shall appoint a special election board to recount the ballots. The  
37 members of the special election board shall be paid as prescribed in  
38 K.S.A. 25-2811 and amendments thereto for time actually spent making  
39 the recount. Upon completion of any recount under this subsection, the  
40 special election board in each county shall package and reseal the ballots  
41 as provided by law and the county board of canvassers shall complete its  
2 canvass. The county election officer in each county immediately shall  
3 certify the results of the recount to the secretary of state.

1 (d) (1) The provisions of this subsection shall apply to candidates  
2 at general elections for:

3 (A) Any state or national office elected on a statewide basis;

4 (B) the office of president or vice president of the United States;

5 (C) the office of members of United States house of  
6 representatives;

7 (D) office of members of state senate or house of representative;  
8 and

9 (E) office of members of state board of education.

10 (2) Whenever the election returns reflect that a candidate for office  
11 was defeated by one-half of one percent or less of the total number of  
12 votes cast and if such candidate requests a recount in one or more  
13 counties of the ballots, the state shall bear the cost of any recount  
14 performed using the method by which such ballots were counted  
15 originally.

16 (3) Not later than 60 days following a recount conducted pursuant  
17 to this subsection, the board of county commissioners of each county in  
18 which the recount occurred shall certify to the secretary of state the  
19 amount of all necessary direct expenses incurred by the county. Payment  
20 for such expenses shall be made to the county treasurer of the county  
21 upon warrants of the director of accounts and reports pursuant to  
22 vouchers approved by the secretary of state. Upon receipt of such  
23 payment and reimbursements, the county treasurer shall deposit the entire  
24 amount thereof in the county election fund, if there is one and if there is  
25 not then to the county general fund.

26 (4) The secretary of state, with the advice of the director of accounts  
27 and reports, shall determine the correctness of each amount certified  
28 under this section and adjust any discrepancies discovered before  
29 approving vouchers for payment to any county.  
30



1 (c) The division shall not issue an identification card to any person  
2 who fails to provide proof that the person is lawfully present in the  
3 United States. If an applicant provides evidence of lawful presence as  
4 set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and  
5 amendments thereto, or is an alien lawfully admitted for temporary  
6 residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments  
7 thereto, the division may only issue a temporary identification card to  
8 the person under the following conditions: (A) A temporary  
9 identification card issued pursuant to this subparagraph shall be valid  
10 only during the period of time of the applicant's authorized stay in the  
11 United States or, if there is no definite end to the period of authorized  
12 stay, a period of one year; (B) a temporary identification card issued  
13 pursuant to this subparagraph shall clearly indicate that it is temporary  
14 and shall state the date upon which it expires; (C) no temporary  
15 identification card issued pursuant to this subparagraph shall be for a  
16 longer period of time than the time period permitted by K.S.A. 8-1325,  
17 and amendments thereto; and (D) a temporary identification card issued  
18 pursuant to this subparagraph may be renewed, subject at the time of  
19 renewal, to the same requirements and conditions set forth in this  
20 subsection (c) for the issuance of the original temporary identification  
21 card.

22 (d) The division shall not issue an identification card to any person  
23 who holds a current valid Kansas driver's license unless such driver's  
24 license has been physically surrendered pursuant to the provisions of  
25 subsection (e) of K.S.A. 8-1002, and amendments thereto.

26 (e) The division shall refuse to issue an identification card to a  
27 person holding a driver's license or identification card issued by another  
28 state without confirmation that the person is terminating or has  
29 terminated the license or identification card.

30 (f) The parent or guardian of an applicant under 16 years of age  
31 shall sign the application for an identification card submitted by such  
32 applicant.

33 (g) (1) The division shall require payment of a fee of \$14 at the  
34 time application for an identification card is made, except that persons  
35 who are 65 or more years of age or who are handicapped, as defined in  
36 K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee  
37 of only \$10. In addition to the fees prescribed by this subsection, the  
38 division shall require payment of the photo fee established pursuant to  
39 K.S.A. 8-243, and amendments thereto, for the cost of the photograph  
40 to be placed on the identification card.

41 (2) *The division shall not require payment of application or photo*  
42 *fees under this subsection for any person 18 years of age or older for*  
43 *purposes of meeting the voter registration requirements of K.S.A. 25-*

Comment [RK1]: Insert: "or accept"

Comment [RK2]: Insert: "identification"



1 ~~2309, and amendments thereto. Such person shall sign an affidavit to~~  
 2 ~~be submitted to the secretary of revenue stating that such person plans~~  
 3 ~~to register to vote and that the person receives:~~

4 ~~(A) Food assistance, general assistance, supplemental security~~  
 5 ~~income (SSI), temporary assistance for families, medicaid assistance,~~  
 6 ~~united tribes food distribution program, bureau of Indian affairs~~  
 7 ~~general assistance, tribally administered temporary assistance for~~  
 8 ~~needy families or meal assistance through the national school lunch~~  
 9 ~~program; or~~

10 ~~(B) resides in a household whose income is 150% or less of the~~  
 11 ~~federal poverty level.~~

12 (3) The secretary of revenue shall adopt rules and regulations in  
 13 order to implement the provisions of paragraph (2).

14 (4) Any person who signs an affidavit under paragraph (2)  
 15 knowing the information is false shall be guilty of a class C  
 16 misdemeanor.

17 (h) All Kansas identification cards shall have physical security  
 18 features designed to prevent tampering, counterfeiting or duplication  
 19 for fraudulent purposes.

20 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and  
 21 amendments thereto, a person shall be deemed to be a resident of the  
 22 state if:

23 (1) The person owns, leases or rents a place of domicile in this  
 24 state;

25 (2) the person engages in a trade, business or profession in this  
 26 state;

27 (3) the person is registered to vote in this state;

28 (4) the person enrolls the person's child in a school in this state; or

29 (5) the person registers the person's motor vehicle in this state.

30 (j) The division shall require that any person applying for an  
 31 identification card submit to a mandatory facial image capture.

32 (k) The director of vehicles may issue a temporary identification  
 33 card to an applicant who cannot provide valid documentary evidence as  
 34 defined by subsection (c), if the applicant provides compelling  
 35 evidence proving current lawful presence. Any temporary identification  
 36 card issued pursuant to this subparagraph shall be valid for one year.

37 (l) Upon payment of the required fee, the division shall issue to  
 38 every applicant qualifying under the provisions of this act an  
 39 identification card. Such identification card shall bear a distinguishing  
 40 number assigned to the cardholder, the full legal name, date of birth,  
 41 address of principal residence, a brief description of the cardholder, a  
 42 colored digital photograph of the cardholder, and a facsimile of the  
 43 signature of the cardholder. An identification card which does not

Comment [RK3]: Insert: "2908"

Comment [RK4]: Insert: "(A) swear under oath that he or she desires an identification card in order to vote in an election in Kansas and that he or she does not possess any of the forms of identification acceptable under K.S.A. 25-2908. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908.  
 (B) Such person shall also produce evidence that he or she is registered to vote in Kansas."

1 vote thereon shall be counted.

2 (8) No ballot cast by a first-time voter as defined by K.S.A. 25-  
3 1122, and amendments thereto, or K.S.A. 25-2908, and amendments  
4 thereto, shall be counted if the voter fails to provide valid identification  
5 as defined by K.S.A. 25-2908, and amendments thereto.

6 Sec. ~~14-16~~ [17.] K.S.A. 2010 Supp. 65-2418 is hereby amended  
7 to read as follows: 65-2418. (a) (1) The secretary shall fix and charge  
8 by rules and regulations the fees to be paid for certified copies or  
9 abstracts of certificates or for search of the files for birth, death, fetal  
10 death, marriage or divorce records when no certified copy or abstract is  
11 made. Except as otherwise provided in this section, the secretary shall  
12 remit all moneys received by or for the secretary from fees, charges or  
13 penalties, under the uniform vital statistics act, and amendments  
14 thereto, to the state treasurer in accordance with the provisions of  
15 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
16 remittance, the state treasurer shall deposit the entire amount in the  
17 state treasury to the credit of the civil registration and health statistics  
18 fee fund created by K.S.A. 2010 Supp. 65-2418e, and amendments  
19 thereto.

20 (2) The secretary shall not charge any fee for a certified copy of a  
21 certificate or abstract or for a search of the files or records if the  
22 certificate, abstract or search is requested by a person who exhibits  
23 correspondence from the United States department of veterans affairs  
24 or the Kansas commission on veterans' affairs which indicates that the  
25 person is applying for benefits from the United States department of  
26 veterans affairs and that such person needs the requested information to  
27 obtain such benefits, except that, for a second or subsequent certified  
28 copy of a certificate, abstract or search of the files requested by the  
29 person, the usual fee shall be charged. The secretary may provide by  
30 rules and regulations for exemptions from such fees.

31 (3) *The secretary shall not charge any fee for a certified copy of a*  
32 *birth certificate if the certificate is requested by any person who is 18*  
33 *years of age or older for purposes of meeting the voter registration*  
34 *requirements of K.S.A. 25-2309, and amendments thereto. Such person*  
35 *shall sign an affidavit to be submitted to the secretary stating that such*  
36 *person plans to register to vote and that the person receives:*

37 *(A) Food assistance, general assistance, supplemental security*  
38 *income (SSI), temporary assistance for families, medicaid assistance,*  
39 *united tribes food distribution program, bureau of Indian affairs*  
40 *general assistance, tribally administered temporary assistance for*  
41 *needy families or meal assistance through the national school lunch*  
42 *program; or*

43 *(B) resides in a household whose income is 150% or less of the*

Comment [RK5]: Insert: "or accept"

Comment [RK6]: Insert: "swear under oath"

1 | ~~federal poverty level.~~

2 | (C) The secretary shall adopt rules and regulations in order to  
3 | implement the provisions of this subsection.

4 | (D) Any person who signs an affidavit provided in this subsection  
5 | knowing the information is false shall be guilty of a class C  
6 | misdemeanor.

7 | (3)(4) Upon receipt of any such remittance of a fee for a certified  
8 | copy of a birth certificate or abstract, \$3 of each such fee for the first  
9 | copy of a birth certificate or abstract and \$1 of each such fee for each  
10 | additional copy of the same birth certificate or abstract requested at the  
11 | same time shall be remitted to the state treasurer in accordance with the  
12 | provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
13 | of each such remittance, the state treasurer shall deposit the entire  
14 | amount in the state treasury to the credit of the permanent families  
15 | account of the family and children investment fund created by K.S.A.  
16 | 38-1808, and amendments thereto. The balance of the money received  
17 | for a fee for a certified copy of a birth certificate or abstract shall be  
18 | remitted to the state treasurer in accordance with the provisions of  
19 | K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
20 | remittance, the state treasurer shall deposit the entire amount in the  
21 | state treasury to the credit of the civil registration and health statistics  
22 | fee fund created under this act.

23 | (4)(5) Upon receipt of any such remittance of a fee for a certified  
24 | copy of a death certificate or abstract, \$4 of each such fee for the first  
25 | certified copy of a death certificate or abstract and \$2 of each such fee  
26 | for each additional copy of the same death certificate or abstract  
27 | requested at the same time shall be remitted to the state treasurer in  
28 | accordance with the provisions of K.S.A. 75-4215, and amendments  
29 | thereto. Upon receipt of each such remittance, the state treasurer shall  
30 | deposit the entire amount in the state treasury to the credit of the district  
31 | coroners fund created by K.S.A. 22a-245, and amendments thereto. The  
32 | balance of the money received for a fee for a certified copy of a death  
33 | certificate or abstract shall be remitted to the state treasurer in  
34 | accordance with the provisions of K.S.A. 75-4215, and amendments  
35 | thereto. Upon receipt of each such remittance, the state treasurer shall  
36 | deposit the entire amount in the state treasury to the credit of the civil  
37 | registration and health statistics fee fund created by K.S.A. 2010 Supp.  
38 | 65-2418e, and amendments thereto.

39 | (b) Subject to K.S.A. 65-2415, and amendments thereto, the  
40 | national office of vital statistics may be furnished copies or data it  
41 | requires for national statistics. The state shall be reimbursed for the cost  
42 | of furnishing the data. The data shall not be used for other than  
43 | statistical purposes by the national office of vital statistics unless so

**Comment [RK7]:** Insert: "(1) that he or she plans to register to vote in Kansas; and (2) that he or she does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l). The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l)."

2309, and amendments thereto. Such person shall sign an affidavit to be submitted to the secretary of revenue stating that such person plans to register to vote and that the person receives:

(A) Food assistance, general assistance, supplemental security income (SSI), temporary assistance for families, medicaid assistance, united tribes food distribution program, bureau of Indian affairs general assistance, tribally administered temporary assistance for needy families or meal assistance through the national school lunch program; or

(B) resides in a household whose income is 150% or less of the federal poverty level.

(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

~~(4) Any person who signs an affidavit under paragraph (2) knowing the information is false shall be guilty of a class C misdemeanor.~~

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

(1) The person owns, leases or rents a place of domicile in this state;

(2) the person engages in a trade, business or profession in this state;

(3) the person is registered to vote in this state;

(4) the person enrolls the person's child in a school in this state; or

(5) the person registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not



1 preventing the voter from signing an application or if an immediate  
2 family member signs an application on behalf of another immediate  
3 family member with proper authorization being given.

4 ~~(d)~~(e) No person, unless authorized by K.S.A. 25-1122 or K.S.A.  
5 25-1124, and amendments thereto, shall knowingly intercept, interfere  
6 with, or delay the transmission of advance voting ballots from the  
7 county election officer to the voter.

8 ~~(e)~~(f) No person shall knowingly willfully and falsely affirm,  
9 declare or subscribe to any material fact in an affirmation form for an  
10 advance voting ballot, or set of advance voting ballots. ~~if the voter is~~  
11 ~~entitled to vote more than one kind of advance voting ballot at a~~  
12 ~~particular election, or in a declaration form on an advance voting ballot~~  
13 ~~envelope.~~

14 ~~(f) Nothing in this section shall be construed to prohibit any~~  
15 ~~person from mailing, carrying or otherwise conveying advance voting~~  
16 ~~ballots or sets of advance voting ballots to the county election officer~~  
17 ~~upon request of advance voting voters.~~

18 (g) A voter may return such voter's advance voting ballot to the  
19 county election officer by personal delivery or by mail. Upon written  
20 designation by the voter, a person other than the voter may return the  
21 advance voting ballot by personal delivery or mail. Any such person  
22 designated by the voter shall sign a statement that such person has not  
23 exercised undue influence on the voting decisions of the voter and  
24 agrees to deliver the ballot as directed by the voter.

25 ~~(g)~~(h) Violation of any provision of this section is a class C  
26 misdemeanor. ~~severity level 9, nonperson felony.~~

27 Sec. 7. K.S.A. 25-2203 is hereby amended as follows: 25-2203.

28 (a) There is hereby established the state election board, the  
29 members of which shall be the lieutenant governor, the secretary of  
30 state and the attorney general. The state election board shall meet  
31 on the call of the secretary of state.

32 (b) The state election board shall:

33 (1) Adopt rules and regulations for determination of  
34 apportionment of election expenses among the subdivisions of  
35 government. Such rules and regulations shall identify and define  
36 the election expenses which are direct and those which are indirect,  
37 or shall define sufficient means of making determination thereof;

38 (2) assess information provided by any applicant for voter  
39 registration as evidence of citizenship pursuant to K.S.A. 25-2309(m),  
40 and amendments thereto; and

41 (3) The state election board shall make such additional rules and  
42 regulations as it deems advisable relating to payment of election  
43 expenses.

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

5 (e) Following the line fixed for the signature of the applicant  
6 on the application for voter registration, a statement shall be  
7 printed stating that the penalty for submission of a false voter  
8 registration application is a maximum presumptive sentence of 17  
9 months in prison.

10 (f) *The department of revenue or an employee of the department of*  
11 *revenue acting within the scope of the employee's employment shall not*  
12 *be liable for any damages resulting from any claim based on the*  
13 *department of revenue's transfer of any motor vehicle record*  
14 *information to the secretary of state that is required or permitted by*  
15 *law.*

16 (f) (g) The secretary of state is hereby authorized to adopt such  
17 rules and regulations in the manner prescribed by law as may be  
18 necessary for the administration of the provisions of this section.

19 ~~Sec. 8, 10, [11.] K.S.A. 25-2411 is hereby amended to read as~~  
20 ~~follows: 25-2411. Election perjury is intentionally and knowingly~~  
21 ~~falsely swearing, affirming, declaring or subscribing to any of the~~  
22 ~~following: (a) Statements in answer to questions put to a person who~~  
23 ~~has been challenged as unqualified to vote.~~

24 ~~(b) Statements in answer to questions put to a witness concerning~~  
25 ~~the qualifications of any person to vote.~~

26 ~~(c) Statements contained in any affidavit or declaration which is~~  
27 ~~prescribed by chapter 25 of the Kansas Statutes Annotated or any other~~  
28 ~~election law of the state, or which is prescribed in any manner by the~~  
29 ~~secretary of state or any county election officer under the election laws~~  
30 ~~of this state.~~

31 ~~(d) Statements in answer to questions put by a county election~~  
32 ~~officer or deputy county election officer relating to application for voter~~  
33 ~~registration of any person.~~

34 ~~(e) Statements in answer to questions put by an election board~~  
35 ~~member to a person asking for voter assistance because of age, visual~~  
36 ~~handicap, lack of proficiency in reading the English language or~~  
37 ~~physical disability.~~

38 ~~(f) Statements of any witness at an election contest.~~

39 ~~Election perjury is a severity level 98, nonperson felony.~~

40 ~~Sec. 9, 11, [12.] K.S.A. 25-2416 is hereby amended to read as~~  
41 ~~follows: 25-2416. (a) Voting without being qualified is knowingly,~~  
42 ~~and willfully: (a)~~

43 ~~(1) Voting or attempting to vote at in any election district when not~~



~~a lawfully registered voter in such election district; or:~~

~~(2) voting or attempting to vote at any election by a person who is not a citizen of the United States or who does not otherwise meet the qualifications of an elector.~~

~~(b) Voting or offering to vote more than once at the same election.~~

~~(c) Inducing or aiding any person to vote more than once at the same election.~~

~~(b) Voting without being qualified is a severity level 8, nonperson felony; class A misdemeanor.~~

~~Sec. 10. 12. [13.] K.S.A. 25-2423 is hereby amended to read as follows: 25-2423.~~

~~(a) Election tampering is, while being charged with no election duty, making or changing any election record.~~

~~(b) Election tampering is a severity level 87, nonperson felony.~~

~~Sec. 11. 13. [14.] K.S.A. 25-2431 is hereby amended to read as follows: 25-2431.~~

~~(a) False impersonation of a voter is representing oneself as another person whether real or fictitious and thereas thereby voting or attempting to vote.~~

~~(b) False impersonation of a voter is a severity level 98, nonperson felony.~~

~~Sec. 12. 14. [15.] K.S.A. 2010 Supp. 25-2908 is hereby amended to read as follows: 25-2908. (a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.~~

~~(b) A person desiring to vote shall provide to the election board: (1) The voter's name; (2) if required, the voter's address; and (3) the voter's signature on the registration or poll book; and (4) a valid form of identification listed in subsection (h). 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.~~

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

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

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

~~(3) provide the required signature at the request of and on behalf of any voter who is unable to personally affix a signature by reason of~~

1 federal poverty level.

2 (C) The secretary shall adopt rules and regulations in order to  
3 implement the provisions of this subsection.

4 ~~(D) Any person who signs an affidavit provided in this subsection~~  
5 ~~knowing the information is false shall be guilty of a class C~~  
6 ~~misdemeanor.~~

7 (3)(4) Upon receipt of any such remittance of a fee for a certified  
8 copy of a birth certificate or abstract, \$3 of each such fee for the first  
9 copy of a birth certificate or abstract and \$1 of each such fee for each  
10 additional copy of the same birth certificate or abstract requested at the  
11 same time shall be remitted to the state treasurer in accordance with the  
12 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
13 of each such remittance, the state treasurer shall deposit the entire  
14 amount in the state treasury to the credit of the permanent families  
15 account of the family and children investment fund created by K.S.A.  
16 38-1808, and amendments thereto. The balance of the money received  
17 for a fee for a certified copy of a birth certificate or abstract shall be  
18 remitted to the state treasurer in accordance with the provisions of  
19 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
20 remittance, the state treasurer shall deposit the entire amount in the  
21 state treasury to the credit of the civil registration and health statistics  
22 fee fund created under this act.

23 (4)(5) Upon receipt of any such remittance of a fee for a certified  
24 copy of a death certificate or abstract, \$4 of each such fee for the first  
25 certified copy of a death certificate or abstract and \$2 of each such fee  
26 for each additional copy of the same death certificate or abstract  
27 requested at the same time shall be remitted to the state treasurer in  
28 accordance with the provisions of K.S.A. 75-4215, and amendments  
29 thereto. Upon receipt of each such remittance, the state treasurer shall  
30 deposit the entire amount in the state treasury to the credit of the district  
31 coroners fund created by K.S.A. 22a-245, and amendments thereto. The  
32 balance of the money received for a fee for a certified copy of a death  
33 certificate or abstract shall be remitted to the state treasurer in  
34 accordance with the provisions of K.S.A. 75-4215, and amendments  
35 thereto. Upon receipt of each such remittance, the state treasurer shall  
36 deposit the entire amount in the state treasury to the credit of the civil  
37 registration and health statistics fee fund created by K.S.A. 2010 Supp.  
38 65-2418e, and amendments thereto.

39 (b) Subject to K.S.A. 65-2415, and amendments thereto, the  
40 national office of vital statistics may be furnished copies or data it  
41 requires for national statistics. The state shall be reimbursed for the cost  
42 of furnishing the data. The data shall not be used for other than  
43 statistical purposes by the national office of vital statistics unless so



1 authorized by the state registrar of vital statistics.

2 ~~New Sec. 15. 17. (a) The duty and independent authority to~~  
 3 ~~appear in any court having jurisdiction within the state of Kansas and~~  
 4 ~~prosecute or defend on behalf of the people all actions and proceedings,~~  
 5 ~~civil or criminal, which involve an election crime, attempted election~~  
 6 ~~crime or violation related to any election law shall be vested in:~~

7 ~~(1) The district or county attorney of the county where such~~  
 8 ~~violations occurred;~~

9 ~~(2) the Kansas attorney general; or~~

10 ~~(3) the Kansas secretary of state.~~

11 ~~(b) If one of the officers listed in section (a) has commenced an~~  
 12 ~~action a prosecution or proceeding which involves an election crime,~~  
 13 ~~attempted election crime or violation related to any election law, the~~  
 14 ~~other officers listed in section (a) may provide assistance to the~~  
 15 ~~prosecuting officer but may not commence a separate prosecution or~~  
 16 ~~proceeding.~~

17 ~~New Sec. 16. 17. [18.] (a) Voting more than once is knowingly:~~

18 ~~(1) Voting or offering to vote more than once at the same election; or~~

19 ~~(2) inducing or aiding any person to vote more than once at the same~~  
 20 ~~election.~~

21 ~~(b) Voting more than once is a severity level 8, nonperson felony.~~

22 ~~Sec. 17. 18. [19.]~~ If any provision of this act is held to be  
 23 unconstitutional under the United States or Kansas constitutions, that  
 24 provision shall be severed from the act, and the other provisions of this  
 25 act shall remain valid and in effect.

26 ~~Sec. 18. 19. [20.]~~ K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-  
 27 2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d,  
 28 25-1123, 25-1124, 25-1128, 25-2309, [25-2320,] 25-2908, 25-3002 and  
 29 65-2418 are hereby repealed.

30 ~~Sec. 19. 20. [21.]~~ This act shall take effect and be in force from  
 31 and after January 1, 2012, and its publication in the statute book.

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**25-208a. Validity of nominations; determination; duties of secretary of state and county election officers; objections.** (a) Within 10 days, ~~Saturdays, Sundays and holidays not included~~, from the date of the filing of nomination petitions or a declaration of intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days, ~~Saturdays, Sundays and holidays not included~~, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

(b) Within three days from the date of the filing of nomination petitions or a declaration of intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such petitions or declaration.

(c) If any nomination petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the petitions or declaration was filed that such nomination petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the secretary of state or the county election officer in accordance with K.S.A. 25-308 and amendments thereto.

**25-3107. Procedure for canvass by county board; recount, when; recount procedure; payment of costs.**

(a) At the time of commencement of any canvass by the county board of canvassers the county election officer shall present to the county board of canvassers the preliminary abstracts of election returns, together with the ballots and records returned by the election boards. The county board of canvassers shall inspect and check the records presented by the county election officer and shall hear any questions which the county election officer believes appropriate for determination of the board. The county board of canvassers shall do what is necessary to obtain an accurate and just canvass of the election and shall finalize the preliminary abstract of election returns by making any needed changes, and certifying its authenticity and accuracy. The certification of the county board of canvassers shall be attested by the county election officer. Neither the county board of canvassers nor the county election officer shall open or unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other specific provision of law or as is authorized to carry out a recount under subsection (b).

(b) If a majority of the members of the county board of canvassers shall determine that there are manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election, or if any candidate shall request the recount of the ballots cast in all or in only specified voting areas for the office for which such person is a candidate, or if any registered elector who cast a ballot in a question submitted election requests a recount in all or only specified voting areas to determine the result of the election, the county board of canvassers shall cause a special election board appointed by the county election officer to meet under the supervision of the county election officer and recount the ballots with respect to any office or question submitted specified by the county board of canvassers or requested by such candidate or elector. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601 et seq., and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting such recount. The county election officer shall not be a member of such special election board. Before the special election board meets to recount the ballots upon a properly filed request, the party who makes the request shall file with the county election officer a bond, with security to be approved by the county or district attorney, conditioned to pay all costs incurred by the county in making such recount. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, or if as a result of the recount a question submitted is overturned, no action shall be taken on the person's bond and the county shall bear the costs incurred for the recount. Any recount must be requested in writing and filed with the county election officer not later than ~~4:00 noon on the Monday following the election or, if the canvass is held on Monday, not later than 5:00 p.m. on the Tuesday next following the election~~ 5:00 pm on the day following the meeting of the county board of canvassers. The request shall specify which voting areas are to be recounted. The county election officer shall immediately notify any candidate involved in the election for which such recount is requested, or shall notify the county chairperson of each candidate's party. Any such recount shall be initiated not later than the following day and shall be completed not later than 5:00 p.m. on ~~Friday of such week or, if the recount request is made on the Tuesday after the election because of a Monday canvass, not later than 5:00 p.m. the next following Monday~~ the fifth day following the filing of the request for a recount.

Ethics and Elections Committee

Attachment 4

Date 3-16-11

including Saturdays, Sundays and holidays. Upon completion of any recount under this subsection, the election board shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811 and amendments thereto for time actually spent making the recount.

(c) (1) The provisions of this subsection shall apply to candidates at any election for:

- (A) Any state or national office elected on a statewide basis;
- (B) the office of president or vice president of the United States;
- (C) the office of members of United States house of representatives;
- (D) office of members of state senate or house of representative whose district is located in two or more counties; and
- (E) office of members of state board of education.

(2) Any candidate may request a recount in one or more counties. Any such recount must be requested in writing and filed with the secretary of state not later than ~~12:00 noon on the Monday following the election or, if the canvass in one or more counties in the district is held on Monday, not later than 5:00 p.m. on the Tuesday next following the election~~ 5:00 pm on the second Friday following the election. The request shall specify which counties are to be recounted. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601, and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting such recount. Except as provided by this subsection and subsection (d), the person requesting the recount shall file with the secretary of state a bond, with security to be approved by the secretary of state, conditioned to pay all costs incurred by the counties and the secretary of state in making such recount. The amount of the bond shall be determined by the secretary of state. A candidate described in paragraphs (D) and (E) of subsection (c)(1) may post a bond as provided by subsection (b) in lieu of the bond required by this subsection. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, no action shall be taken on the candidate's bond and the counties shall bear the costs incurred for the recount.

(3) The secretary of state immediately shall notify each county election officer affected by the recount and any candidate involved in the election for which such recount is requested. If the candidate cannot be reached, then the secretary of state shall notify the state chairperson of such candidate's party. Any such recount shall be conducted under the supervision of the county election officers at the direction of the secretary of state, and shall be initiated not later than the following day and shall be completed not later than 5:00 p.m. on ~~Friday of such week or, if the request is made on the Tuesday after the election because of a Monday canvass, not later than 5:00 p.m. on the next following Monday~~ the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays. Each county election officer involved in the recount shall appoint a special election board to recount the ballots. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811 and amendments thereto for time actually spent making the recount. Upon completion of any recount under this subsection, the special election board in each county shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The county election officer in each county immediately shall certify the results of the recount to the secretary of state.

(d) (1) The provisions of this subsection shall apply to candidates at general elections for:

- (A) Any state or national office elected on a statewide basis;
- (B) the office of president or vice president of the United States;
- (C) the office of members of United States house of representatives;
- (D) office of members of state senate or house of representative; and
- (E) office of members of state board of education.

(2) Whenever the election returns reflect that a candidate for office was defeated by one-half of one percent or less of the total number of votes cast and if such candidate requests a recount in one or more counties of the ballots, the state shall bear the cost of any recount performed using the method by which such ballots were counted originally.

(3) Not later than 60 days following a recount conducted pursuant to this subsection, the board of county commissioners of each county in which the recount occurred shall certify to the secretary of state the amount of all necessary direct expenses incurred by the county. Payment for such expenses shall be made to the county treasurer of the county upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of state. Upon receipt of such payment and reimbursements, the county treasurer shall deposit the entire amount thereof in the county election fund, if there is one and if there is not then to the county general fund.

(4) The secretary of state, with the advice of the director of accounts and reports, shall determine the correctness of each amount certified under this section and adjust any discrepancies discovered before approving vouchers for payment to any county.

**25-3203. Abstract of intermediate canvass; transmittal to secretary of state; special messages.** If the secretary of state fails to receive the final abstract of the intermediate canvass of any national or state election from any county by the second Tuesday next after any election, the secretary shall dispatch a special messenger to obtain a copy of the same, and the county election officer shall immediately, on demand of such messenger, make out and deliver to such messenger the copy required. Thereupon, the messenger shall deliver such copy to the secretary of state without delay. The expenses of such messenger shall be paid by the secretary of state, and the secretary of state shall be reimbursed therefor by such county.

Any county conducting a recount pursuant to K.S.A. 25-3107 shall notify the secretary of state of the recount and shall set a date, subject to approval by the secretary of state, when the county election officer shall submit the intermediate abstract of the county to the secretary of state.

Insert  
New section

1 statistical purposes by the national office of vital statistics unless so  
2 authorized by the state registrar of vital statistics.

3 New Sec. ~~15~~ 17. (a) The duty and independent authority to  
4 appear in any court having jurisdiction within the state of Kansas and  
5 prosecute or defend on behalf of the people all actions and proceedings,  
6 civil or criminal, ~~which involve an election crime, attempted election~~  
7 ~~crime or violation~~ related to any election law shall be vested in:

8 (1) The district or county attorney of the county where such  
9 violations occurred;

10 (2) the Kansas attorney general; or

11 (3) the Kansas secretary of state.

12 (b) If one of the officers listed in section (a) has commenced an  
13 action a prosecution or proceeding ~~which involves an election crime,~~  
14 ~~attempted election crime or violation~~ related to any election law, the  
15 other officers listed in section (a) may provide assistance to the  
16 prosecuting officer but may not commence a separate prosecution or  
17 proceeding.

18 New Sec. ~~16-17~~ [18.] (a) Voting more than once is knowingly:

19 (1) Voting or offering to vote more than once at the same election;

20 or

21 (2) inducing or aiding any person to vote more than once at the  
22 same election.

23 (b) Voting more than once is a severity level 8, nonperson felony.

24 Sec. ~~17-18~~ [19.] If any provision of this act is held to be  
25 unconstitutional under the United States or Kansas constitutions, that  
26 provision shall be severed from the act, and the other provisions of this  
27 act shall remain valid and in effect.

28 Sec. ~~18-19~~ [20.] K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-  
29 2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d,  
30 25-1123, 25-1124, 25-1128, 25-2309, [25-2320,] 25-2908, 25-3002 and  
31 65-2418 are hereby repealed.

32 Sec. ~~19-20~~ [21.] This act shall take effect and be in force from  
33 and after January 1, 2012, and its publication in the statute book.

New Sec. (a) The secretary of state shall provide advance notice of the personal identification requirements of this act in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet websites of the secretary of state and governor.