

HCR 5004

NUETRAL

WEBEX TESTIMONY

Submitted by:

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Dear Mr. Chairman and House Elections Committee Members,

Today I am submitting my neutral testimony on HCR 5004. The proposed verbiage of the constitutional amendment provided here seems to be an effective way to formally update the State's constitution to more clearly describe what is already written currently.

My neutral testimony on this matter is out of pure concern that should this amendment not pass through the required election process, will this committee commit to consider how it is we can enforce article 5 as it stands?

It appears the framer's intent here was clear as I interpret it in its original form without the update from HCR 5004. Additionally, I requested an interpretation of this article from a lawyer and as a response, was advised that the current verbiage of the article is meant to allow for ONLY AMERICAN CITIZENS the right to vote within the state.

As of Monday January 20, 2025, with the inauguration of President Trump I believe these issues will become easier to resolve. During the 2024 election cycle True the Vote brought attention to Executive Order 14019 implemented by President Biden and the possible loop wholes for non-citizen voting. This order was rescinded by Trump this week. True the Vote provides an interesting view on the history of these matters on their website which can be found under their 611 Project at truethevote.org.

Under the **How did We Get Here?** Section of their handbook you can review changes in federal policy that have occurred over time such as:

- **Title 18 of US Code regarding Voting by Aliens, Section 611 amendment C, passed in 2000**, introducing "citizenship as a state of mind". The amendment affirms that aliens are not penalized for voting under certain conditions. The amendment refers to citizenship for children of U.S. citizens (in the case of adoptions), if they permanently resided in the U.S. prior to age sixteen, and if they believe they are U.S. citizens. Legal experts we spoke with were unclear as to whether all three criteria must be met in order to qualify, or if only the "state of mind" clause is sufficient. The Department of Justice's Immigration Services Division Field Operations Policy Memorandum 86, lays out a path for Procedures for Handling Naturalization Applications of Aliens Who Voted

Unlawfully or Falsely Represented Themselves as U.S. Citizens by Voting or Registering to Vote, which clarifies the necessity of all three criteria. Time will tell whether or not this is put to the test.

- **2014** - Obama grants legal status to 5 million illegal immigrants (November 20, 2014): In an expansive set of executive orders, President Obama announced that the White House would give legal status and work permits to 5 million immigrants in the United States illegally.
- **2010-2020**: In 2017, out of the U.S. foreign-born population, approximately 45% were naturalized citizens, 27% were lawful permanent residents, 6% were temporary lawful residents, and 23% were unauthorized immigrants. The total foreign-born population in 2018 was estimated to be around 45.3 million.
- **Biden signed Executive Order 14019 “Promoting Access to Voting” (March 7, 2021)** This order was aimed at increasing voting access and participation for “all American citizens, particularly those facing historical or systemic barriers to voting.” The order directed federal agencies to explore and implement ways to expand opportunities for citizens to register to vote and to obtain information about, and participate in, the electoral process. This includes modernizing federal websites like Vote.gov, improving accessibility for people with disabilities, and providing multilingual voter registration and election information.
- The Executive Order also encouraged nonpartisan voter registration efforts, particularly in services that engage with the public. For instance, it includes inviting nonpartisan organizations to register voters at the end of naturalization ceremonies and providing nonpartisan election information to service members.

The erosion of the constitution has been slowly occurring due to several factors, with lawfare being the most prominent. Directly after President Trump signed Executive Orders regarding citizenship EO 14019, the lawsuits began as they usually do. Well-funded organizations continue to attack these ideals by which I personally believe are intended to dilute the original intent of our constitution. As such, I believe that our constitution and current statutes are equally intentional, to deny non-citizens the right to vote in Kansas, but if we cannot support and defend the Constitution and laws of Kansas, how will we do it under any new verbiage? Hopefully we can find much encouragement within the new Trump administration and a more unified consensus from a majority in congress.

I have taken the time to list a few current statutes on the next page that support the existing intent for only American citizen voters, by which I believe are the tools in which we already possess to enforce the current verbiage of article 5. In my opinion Kansas law is clear on these things but may indeed suffer without a constitutional amendment to protect the intent from unwanted federal or executive changes over time.

Kansas election statutes provide for prosecution under “**Election Perjury**”, **K.S.A. 25-2411** a level 9 felony, and there are a few statutes which require a signature under this penalty.

K.S.A 25-1801 Eligibility to vote for presidential and vice-presidential electors; definitions, this would be a great place to update the “official definition” of CITIZEN OF THE UNITED

STATES and RESIDENT to additionally support the verbiage of the existing article 5 and proposed language.

K.S.A. 25-2416 “voting without being qualified” is a level 7, non-person felony.

K.S.A. 25-2309 application for registration may possibly need review with scrutiny to assist the support of article 5 as is currently written and is proposed to be written in this resolution.

Lastly a notable statute to help support the constitution and uphold the integrity of the election process through only lawful electors is provided in **K.S.A. 25-2507. Poll Book**. This statute has recently been reviewed through the Legislative Post Audit Committee in reference to **section (a)** requiring that any voter signing the poll book, such poll book SHALL also contain a declaration prescribed in **section (d)**. The legislative audit of Ford County revealed that this declaration is not present, and I can attest that in my own county no such declaration is provided prior to my receipt of a ballot. This declaration again requires a penalty of perjury, and I believe it is a viable form of support already in place to uphold article 5 as is, however is NOT consistently issued as required by the law equally on electronic poll books. I have a personal photo of the poll book signature page in my county, only listing my name, party, address, and precinct. There is no declaration as required by law.

I pray this information is helpful to review the considerations of how our laws aren't working already because there isn't proper enforcement of them. It is my belief that much more must be done to uphold our current laws before you can expect anything useful to come from new laws.

I would like to thank the committee for bringing this bill and I pray that there will be additional items considered such as clear statutory definition of UNITED STATES CITIZEN. Other current bills regarding the DMV and non-citizens through this committee utilize a defining factor of what a non-citizen is, to be removed from the voter rolls. I find it valuable for this committee to be extra diligent in all their work to make definitions clear and concise to provide judicial support for the actual interpretation of non-citizens and any additional bills that may be required to support article 5 whether in current form or by the proposed language.

Sincerely,

Missy Leavitt

NOTED LIST OF STATUTES:

25-1801. Eligibility to vote for presidential and vice-presidential electors; definitions. (a) **Each citizen of the United States**, who, at the time of any general election at which presidential electors or candidates for the offices of president or vice-president of the United States are to be voted for, is a "new resident," "former resident" or a "relocated resident" of this state, as hereinafter defined, shall be entitled to vote for presidential and vice-presidential electors at that election, but for no other officers, if (1) such person otherwise possesses the substantive qualifications to vote in this state, except the requirement of residence, and (2) such person complies with the provisions of this act.

(b) (1) "New resident" means one who, immediately prior to such person's removal to this state, was a resident of another state and who shall have resided in this state for less than 45 days next preceding such general election.

(2) "Former resident" means one who has removed such person's place of residence from this state less than 45 days next preceding such general election but who was a registered voter at the time of removal.

(3) "Relocated resident" means one who has relocated such person's place of residence from one precinct in this state to another precinct in this state 20 days or less next preceding such general election but who was a registered voter in such person's former precinct of residence.

25-2411. Election perjury. Election perjury is intentionally and knowingly falsely swearing, affirming, declaring or subscribing to any of the following: (a) Statements in answer to questions put to **a person who has been challenged as unqualified to vote**.

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

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

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

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

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

Election perjury is a severity level 9, nonperson felony.

25-2416. Voting without being qualified. (a) **Voting without being qualified is knowingly voting or attempting to vote without being qualified:**

(1) In any election district when not a lawfully registered voter in such election district; or

(2) 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 without being qualified or attempting to vote without being qualified is a severity level 7, nonperson felony.

(c) The provisions of K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to vote without being qualified pursuant to this section.

25-2507. Poll book, registration book, party affiliation list; declaration; abstract. (a) "Poll book" means a book in which each voter may sign the voter's signature and a number is assigned by one of the clerks of the election board when the voter is given a ballot or set of ballots. If the county election officer determines that voters shall sign the poll book, such book shall also contain on each page the declaration prescribed by subsection (d).

(b) "Registration book" means:

(1) A book or list containing the names and other information relating to registered voters. Registration books shall have the names entered therein before the same or copies thereof are delivered to the supervising judges. Registration books may also contain blank lines on which each voter shall sign the voter's signature. If the county election officer determines that voters shall sign the registration book, such book shall also contain on each page the declaration prescribed by subsection (d); or

(2) a book meeting the requirements of paragraph (1), and containing:

(A) Blank lines on which each voter shall sign the voter's signature;

(B) the declaration prescribed by subsection (d) on each page of the book; and

(C) the numbers assigned by one of the clerks of the election board when voters are given ballots or sets of ballots.

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

(d) "Declaration" means the following: "I, the undersigned, declare under penalty of perjury that I am a registered voter in the state of Kansas, county of _____, that I have not signed a name other than my own in order to represent myself as any other registered voter, and that I am qualified to vote and have not previously voted and will not vote again in the election held on this date, in this or any other jurisdiction in the United States, for any offices or ballot issues."

(e) "Abstract" means a list of election results for a particular precinct or district with the total votes for each candidate for elected office or the total votes for and against any constitutional amendment or question presented on the ballot.

25-2309. Application for registration; registration agencies; limitations on public inspection of registrations; registration citizenship requirements; election board citizenship hearings; unsatisfactory evidence of citizenship; sworn affidavits; rules and regulations. (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, and such form 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 form issued pursuant to federal law.

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 requirements and such information as is necessary to prevent duplicative voter registrations and enable the relevant election officer to assess the eligibility of the applicant and to administer voter registration, including, but not limited to, the following data to be kept by the relevant election officer as provided by law:

- (1) Name;
- (2) place of residence, including specific address or location, and mailing address if the residence address is not a permissible postal address;
- (3) date of birth;
- (4) sex;
- (5) the last four digits of the person's social security number or the person's full driver's license or nondriver's identification card number;
- (6) telephone number, if available;
- (7) naturalization data, if applicable;
- (8) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
- (9) when present residence established;
- (10) name under which applicant last registered or voted, if different from present name;
- (11) an attestation that the applicant meets each eligibility requirement;
- (12) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
- (13) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (14) a statement that if an applicant does register to vote, the office to which a voter registration application is submitted will remain confidential and will be used only for voter registration purposes;
- (15) boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States, together with the question "Are you a citizen of the United States of America?";
- (16) boxes for the county election officer or chief state election official to check to indicate whether the applicant has provided with the application the information necessary to assess the eligibility of the applicant, including such applicant's United States citizenship;
- (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?";
- (18) in reference to paragraphs (15) and (17) the statement "If you checked 'no' in response to either of these questions, do not complete this form.";
- (19) a statement that the applicant shall be required to provide identification when voting; and
- (20) political party affiliation declaration, if any. An applicant's failure to make a declaration will result in the applicant being registered as an unaffiliated voter.

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

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

- (1) The question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
- (2) a statement that if the applicant declines to register to vote, this decision will remain confidential and be used only for voter registration purposes;

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

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

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

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

(iv) the statement "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Kansas Secretary of State."

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

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

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

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

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

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

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

(k) If an applicant fails to answer the question prescribed in subsection (b)(15), the county election officer shall send the application to the applicant at the postal delivery address given on the application, by nonforwardable mail, with a notice of incompleteness. The notice shall specify a period of time

during which the applicant may complete the application in accordance with K.S.A. [25-2311](#), and amendments thereto, and be eligible to vote in the next election.

(l) The county election officer or secretary of state's office shall accept any completed application for registration, but an applicant shall not be registered until the applicant has provided satisfactory evidence of United States citizenship. Evidence of United States citizenship as required in this section will be satisfied by presenting one of the documents listed in subsection (l)(1) through (l)(13) in person at the time of filing the application for registration or by including a photocopy of one of the following documents with a mailed registration application. After a person has submitted satisfactory evidence of citizenship, the county election officer shall indicate this information in the person's permanent voter file. Evidence of United States citizenship shall be satisfied by providing one of the following, or a legible photocopy of one of the following documents:

(1) The applicant's driver's license or nondriver's identification card issued by the division of vehicles or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver's license or nondriver's identification card that the person has provided satisfactory proof of United States citizenship;

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

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

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

(5) other documents or methods of proof of United States citizenship issued by the federal government pursuant to the immigration and nationality act of 1952;

(6) the applicant's bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number;

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

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

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

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

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

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

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

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

(1) Any applicant seeking an assessment of evidence under this subsection may directly contact the elections division of the secretary of state by submitting a voter registration application or form as described by this section and any supporting evidence of United States citizenship. Upon receipt of

this information, the secretary of state shall notify the state election board, as established under K.S.A. [25-2203](#), and amendments thereto, that such application is pending.

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

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

(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 days before such election date.

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

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

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

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

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

(q) If evidence of citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as evidence and the name or sex provided on the application for registration, such applicant may sign an affidavit:

(1) Stating the inconsistency or inconsistencies related to the name or sex, and the reason therefor; and

(2) swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship. However, there shall be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the application for registration. If such an affidavit is submitted by the applicant, the county election officer or secretary of state shall assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.

(r) All documents submitted as evidence of citizenship shall be kept confidential by the county election officer or the secretary of state and maintained as provided by Kansas record retention laws.

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

(t) Nothing in this section shall prohibit an applicant from providing, or the secretary of state or county election officer from obtaining satisfactory evidence of United States citizenship, as described in subsection (l), at a different time or in a different manner than an application for registration is

provided, as long as the applicant's eligibility can be adequately assessed by the secretary of state or county election officer as required by this section.

History: L. 1968, ch. 55, § 9; L. 1972, ch. 141, § 3; L. 1976, ch. 181, § 7; L. 1980, ch. 112, § 1; L. 1982, ch. 154, § 3; L. 1996, ch. 187, § 7; L. 1997, ch. 124, § 13; L. 1999, ch. 105, § 2; L. 2000, ch. 56, § 3; L. 2001, ch. 42, § 1; L. 2001, ch. 211, § 6; L. 2004, ch. 93, § 4; L. 2011, ch. 56, § 8; L. 2016, ch. 82, § 6; L. 2021, ch. 82, § 7; July 1.

Revisor's Note:

Section was also amended by L. 2001, ch. 128, § 5, but that version was repealed by L. 2001, ch. 211, § 18.

Section was also amended by L. 2004, ch. 25, § 9, but that version was repealed by L. 2004, ch. 93, § 13.

Law Review and Bar Journal References:

Cited in note concerning equal protection prohibiting a state from canceling voter registration for failure to vote, 21 K.L.R. 224, 235 (1973).

Attorney General's Opinions:

Voter registration; application form; alteration by applicant. 95-27.

Sites designated as places of registration must be open to public at large. 96-26.

Secretary of state is prohibited from releasing the last four digits of a registered voter's social security number and a registered voter's residential address when such voter has properly requested that the address be concealed. 2017-10.

CASE ANNOTATIONS

1. Section 5 of the national voter registration act preempts a Kansas law requiring documentary proof of citizenship for voter registration, as applied to the federally mandated voter registration form that must be a part of any application to obtain or renew a driver's license. *Fish v. Kobach*, 840 F.3d 710 (10th Cir. 2016).

2. Eleventh amendment sovereign immunity did not bar claims against the Kansas secretary of revenue under the Ex parte Young doctrine because the complaint alleged an ongoing violations of the national voter registration act. *Fish v. Kobach*, 189 F. Supp. 3d 1107, 1125 (D. Kan. 2016).

3. Voter registration applicant's attestation of Kansas residence, numerous statements during deposition that he considers Kansas his residence and that he intends to return to rented property supported his claim of Kansas residence for purposes of voter registration and were sufficient to allege that his injury from not being registered to vote was caused by Kansas documentary proof of citizenship law and would be redressed by a favorable decision. *Cromwell v. Kobach*, 199 F. Supp. 3d 1292, 1302 (D. Kan. 2016).

4. The grandfather clause of Kansas documentary proof of citizenship law creating an additional requirement on voter registration applicants who registered for the first time after January 1, 2013, and the interagency agreement to review incomplete voter registration applicant's citizenship status were rationally related to legitimate governmental goals of avoiding logistical difficulties and did not violate the privileges and immunities clause. *Bednasek v. Kobach*, 259 F. Supp. 3d 1193, 1213-15 (D. Kan. 2017).

5. The documentary proof of citizenship requirement violates the national voter registration act and infringes on the right to vote under the 14th amendment of the United States Constitution. *Fish v. Kobach*, 309 F. Supp. 3d 1048, 1113 (D. Kan. 2018).

6. Documentary proof of citizenship requirement significantly burdens would-be Kansas voters, directly contrasts the 14th amendment and is preempted by the federal voting rights act. *Fish v. Schwab*, 957 F.3d 1105, 1134 (10th Cir. 2020).