

KANSAS OFFICE of  
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LEGISLATURE of THE STATE of KANSAS

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300 SW TENTH AVENUE ▪ SUITE 24-E ▪ TOPEKA, KS 66612 ▪ (785) 296-2321

**MEMORANDUM**

To: House Committee on Elections

From: Mike Heim

Date: January 23, 2025

Subject: HCR 5004

This amendment to Art. 5 Sec 1 of the Constitution of the State of Kansas would clarify that only a person who is a citizen of the United States, at least 18 years of age and, unless a residency exception applies to such person, a resident of the voting area in which such person seeks to vote is eligible to vote in this state.

Current Provision

Every citizen of the United States who has attained the age of eighteen years and who resides in the voting area in which he or she seeks to vote shall be deemed a qualified elector. Laws of this state relating to voting for presidential electors and candidates for the office of president and vice-president of the United States shall comply with the laws of the United States relating thereto. A citizen of the United States, who is otherwise qualified to vote in Kansas for presidential electors and candidates for the offices of president and vice-president of the United States may vote for such officers either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of this state if his or her removal from this state occurs during a period in accordance with federal law next preceding such election. A person who is otherwise a qualified elector may vote in the voting area of his or her former residence either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of such voting area during a period prescribed by law next preceding the election at which he or she seeks to vote, if his new residence is in another voting area in the state of Kansas.

## House Concurrent Resolution No. 5004

By Representatives Proctor, Averkamp, Barrett, Bergquist, Blex, Bohi, Brantley, Bryce, Buehler, Butler, B. Carpenter, Chauncey, Collins, Droge, Ellis, Esau, Essex, Fairchild, Francis, Goddard, Helwig, Hill, Howell, Howerton, James, Lewis, McNorton, Moser, Neelly, Penn, Pickert, Reavis, Resman, Rhiley, Sanders, Schmoe, Schwertfeger, C. Smith, Steele, Stiens, Tarwater, Turner, VanHouden, Waggoner, White, K. Williams and Wolf

1-16

1 A PROPOSITION to amend section 1 of article 5 of the constitution of  
2 the state of Kansas to require individuals to be citizens of the United  
3 States, at least 18 years of age and a resident of the voting area in  
4 which such person seeks to vote in order to vote in this state.  
5

6 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
7 *members elected (or appointed) and qualified to the House of*  
8 *Representatives and two-thirds of the members elected (or appointed)*  
9 *and qualified to the Senate concurring therein:*

10 Section 1. The following proposition to amend the constitution of  
11 the state of Kansas shall be submitted to the qualified electors of the state  
12 for their approval or rejection: Section 1 of article 5 of the constitution of  
13 the state of Kansas is hereby amended to read as follows:

14 "**§ 1. Qualifications of electors.** ~~Every~~(a) *No person shall be*  
15 *deemed a qualified elector unless such person:*

16 (1) *Is a citizen of the United States* ~~who;~~  
17 (2) *has attained the age of eighteen years; and* ~~who~~  
18 (3) *except as provided in subsection (b) or (c), resides in the*  
19 *voting area in which* ~~he or she~~ *such person* ~~seeks to vote shall be~~  
20 ~~deemed a qualified elector.~~

21 (b) *Laws of this state relating to voting for presidential*  
22 *electors and candidates for the office of president and vice-*  
23 *president of the United States shall comply with the laws of the*  
24 *United States relating thereto. A citizen of the United States, who is*  
25 *otherwise qualified to vote in Kansas for presidential electors and*  
26 *candidates for the offices of president and vice-president of the*  
27 *United States may vote for such officers either in person or by*  
28 *absentee ballot notwithstanding the fact that such person may have*  
29 *become a nonresident of this state if* ~~his or her~~ *such person's*  
30 *removal from this state occurs during a period in accordance with*  
31 *federal law next preceding such election.*

32 (c) *A person who is otherwise a qualified elector may vote in*