

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

1 AN ACT concerning elections; relating to voter identification;
2 amending K.S.A. **25-2203**, **25-2352**, 25-2411, 25-2416, 25-2423 and
3 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-
4 1123, 25-1124, 25-1128, 25-2309, 25-2908, 25-3002 and 65-2418
5 and 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
13 applicant shall submit, with the application, proof of age, proof of
14 identity and proof of lawful presence. An applicant shall submit with
15 the application a photo identity document, except that a non-photo
16 identity document is acceptable if it includes both the applicant's full
17 legal name and date of birth, and documentation showing the
18 applicant's name, the applicant's address of principal residence and the
19 applicant's social security account number. The applicant's social
20 security number shall remain confidential and shall not be disclosed,
21 except as provided pursuant to K.S.A. 74-2012, and amendments
22 thereto. If the applicant does not have a social security number, the
23 applicant shall provide proof of lawful presence and Kansas residency.
24 The division shall assign a distinguishing number to the identification
25 card. Before issuing an identification card to a person, the division shall
26 make reasonable efforts to verify with the issuing agency the issuance,
27 validity and completeness of each document required to be presented
28 by the applicant to prove age, identity and lawful presence.

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

- 1 to be placed on the identification card.
- 2 (2) *The division shall not require payment of application or photo*
3 *fees under this subsection for any person 18 years of age or older for*
4 *purposes of meeting the voter registration requirements of K.S.A. 25-*
5 *2309, and amendments thereto. Such person shall sign an affidavit to*
6 *be submitted to the secretary of revenue stating that such person plans*
7 *to register to vote and that the person receives:*
- 8 (A) *Food assistance, general assistance, supplemental security*
9 *income (SSI), temporary assistance for families, medicaid assistance,*
10 *united tribes food distribution program, bureau of Indian affairs*
11 *general assistance, tribally administered temporary assistance for*
12 *needy families or meal assistance through the national school lunch*
13 *program; or*
- 14 (B) *resides in a household whose income is 150% or less of the*
15 *federal poverty level.*
- 16 (3) *The secretary of revenue shall adopt rules and regulations in*
17 *order to implement the provisions of paragraph (2).*
- 18 (4) *Any person who signs an affidavit under paragraph (2)*
19 *knowing the information is false shall be guilty of a class C*
20 *misdemeanor.*
- 21 (h) All Kansas identification cards shall have physical security
22 features designed to prevent tampering, counterfeiting or duplication
23 for fraudulent purposes.
- 24 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and
25 amendments thereto, a person shall be deemed to be a resident of the
26 state if:
- 27 (1) The person owns, leases or rents a place of domicile in this
28 state;
- 29 (2) the person engages in a trade, business or profession in this
30 state;
- 31 (3) the person is registered to vote in this state;
- 32 (4) the person enrolls the person's child in a school in this state; or
- 33 (5) the person registers the person's motor vehicle in this state.
- 34 (j) The division shall require that any person applying for an
35 identification card submit to a mandatory facial image capture.
- 36 (k) The director of vehicles may issue a temporary identification
37 card to an applicant who cannot provide valid documentary evidence as
38 defined by subsection (c), if the applicant provides compelling
39 evidence proving current lawful presence. Any temporary identification

1 card issued pursuant to this subparagraph shall be valid for one year.

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

12 Sec. 2. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as
13 follows: 25-1122. (a) Any registered voter may file with the county
14 election officer where such person is a resident, or where such person is
15 authorized by law to vote as a former precinct resident, an application
16 for an advance voting ballot. The signed application shall be
17 transmitted only to the county election officer by personal delivery,
18 mail, facsimile or as otherwise provided by law.

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

29 (c) If the registered voter is applying for an advance voting ballot
30 to be transmitted by mail, ~~and such voter is a first-time voter,~~ such
31 voter shall provide ~~on~~*with* the application for an advance voting ballot
32 the voter's current and valid Kansas driver's license number, nondriver's
33 identification card number or *a photocopy of any other identification*
34 *provided by K.S.A. 25-2908, and amendments thereto. the last four*
35 *digits of the voter's social security number, or shall provide with the*
36 *application a copy of the voter's current and valid Kansas driver's*
37 *license, nondriver's identification card, utility bill, bank statement,*
38 *paycheck, government check or other government document containing*
39 *the voter's current name and address as indicated on the registration*

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

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

9 **(1) The voter is unable or refuses to provide current and valid**
10 **identification; or**

11 **(2) the name and address of the voter provided on the**
12 **application for an advance voting ballot do not match the voter's**
13 **name and address on the registration book.** The voter shall provide a
14 valid form of identification as defined in ~~subsection (e) of K.S.A. 25-~~
15 ~~2908, and amendments thereto, this section~~ to the county election
16 officer in person or provide a copy by mail or electronic means before
17 the meeting of the county board of canvassers. At the meeting of the
18 county board of canvassers the county election officer shall present
19 copies of identification received from provisional voters and the
20 corresponding provisional ballots. If the county board of canvassers
21 determines that a voter's identification is valid and the provisional
22 ballot was properly cast, the ballot shall be counted.

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

26 (1) *The county election official verifies that the signature of the*
27 *person matches that on file in the county voter registration records.*
28 *Signature verification may occur by electronic device or by human*
29 *inspection. In the event that the signature of a person who is*
30 *requesting an advance voting ballot does not match that on file, the*
31 *county election officer shall attempt to contact the person and shall*
32 *offer the person another opportunity to ~~mail in~~ provide such person's*
33 *signature for the purposes of verifying the person's identity. If the*
34 *county election officer is unable to reach the person, the county*
35 *election officer may transmit a provisional ballot, however, such*
36 *provisional ballot may not be counted unless a signature is included*
37 *therewith that can be verified; and*

38 (2) *the person provides such person's full Kansas driver's license*
39 *number, Kansas nondriver's identification card number issued by the*

1 *division of vehicles, or submits such person's application for an*
2 *advance voting ballot and a copy of identification provided by K.S.A.*
3 *25-2908, and amendments thereto, to the county election officer for*
4 *verification. If a person applies for an advance voting ballot to be*
5 *transmitted by mail but fails to provide identification pursuant to this*
6 *subsection or the identification of such person cannot be verified by the*
7 *county election officer, the county election officer shall provide*
8 *information to such person regarding the voter rights provisions of*
9 *subsection (d) and shall provide such person an opportunity to provide*
10 *identification pursuant to this subsection. For the purposes of this act,*
11 *Kansas state offices and offices of any subdivision of the state will*
12 *allow any person seeking to vote by an advance voting ballot the use a*
13 *photocopying device to make one photocopy of an identification*
14 *document at no cost.*

15 ~~(e)~~(f) Applications for advance voting ballots to be transmitted to
16 the voter by mail shall be filed only at the following times:

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

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

24 (3) For the primary election held five weeks preceding the first
25 Tuesday in April, between January 1 of the year of such election and
26 the last business day of the week preceding such primary election.

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

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

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

1 such election.

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

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

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

11 ~~(f)~~(g) Unless an earlier date is designated by the county election
12 office, applications for advance voting ballots transmitted to the voter
13 in person in the office of the county election officer shall be filed on the
14 Tuesday next preceding the election and on each subsequent business
15 day until no later than 12:00 noon on the day preceding such election.
16 If the county election officer so provides, applications for advance
17 voting ballots transmitted to the voter in person in the office of the
18 county election officer also may be filed on the Saturday preceding the
19 election. Upon receipt of any such properly executed application, the
20 county election officer shall deliver to the voter such ballots and
21 instructions as are provided for in this act.

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

27 The county election officer may designate places other than the
28 central county election office as satellite advance voting sites. At any
29 satellite advance voting site, a registered voter may obtain an
30 application for advance voting ballots. Such ballots and instructions
31 shall be delivered to the voter in the same manner and subject to the
32 same limitations as otherwise provided by this subsection.

33 ~~(g)~~(h) Any person having a permanent disability or an illness
34 which has been diagnosed as a permanent illness is hereby authorized
35 to make an application for permanent advance voting status.
36 Applications for permanent advance voting status shall be in the form
37 and contain such information as is required for application for advance
38 voting ballots and also shall contain information which establishes the
39 voter's right to permanent advance voting status.

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

26 ~~(i)~~(j) If a person on the permanent advance voting list fails to vote
27 in two consecutive general elections held on the Tuesday succeeding
28 the first Monday in November of each even-numbered year, the county
29 election officer may mail a notice to such voter. Such notice shall
30 inform the voter that the voter's name will be removed from the
31 permanent advance voting list unless the voter renews the application
32 for permanent advance voting status within 30 days after the notice is
33 mailed. If the voter fails to renew such application, the county election
34 officer shall remove the voter's name from the permanent advance
35 voting list. Failure to renew the application for permanent advance
36 voting status shall not result in removal of the voter's name from the
37 voter registration list.

38 ~~(j)~~ For the purposes of this section, "first-time voter" means a
39 registered voter who has not previously voted in any election in the

1 ~~county in which the voter desires to vote. First-time voter includes a~~
2 ~~person whose name was removed from the county registration list in~~
3 ~~accordance with K.S.A. 25-2316c, and amendments thereto, and who~~
4 ~~has re-registered.~~

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

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

12 Affirmation of an Elector of the County of _____ and
13 State of Kansas Desiring to Vote an Advance Voting Ballot
14 State of _____, County of _____, ss:

15 I,
16 _____

17 _____
18 (Please print name)

19
20 do solemnly affirm under penalty of perjury that I am a qualified
21 elector of the _____ precinct of the _____ ward, residing at number
22 _____ on _____ street, city of _____, or in the
23 township of _____, county of _____, and state of Kansas.
24 My date of birth is _____ (month/day/year).

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

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

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

9 (2) ~~the last four digits of my social security number; or a copy of~~
 10 ~~any one of the following types of proof of current address: a utility bill,~~
 11 ~~bank statement, paycheck, government check, or other government~~
 12 ~~document 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
 18 and will not otherwise vote at the election to be held on _____
 19 (date). My political party is _____ (to be filled in only when
 20 requesting primary election ballots). I desire my ballots to be sent to the
 21 following address:

22 _____
 23 _____
 24 _____
 25 _____
 26 _____
 27 _____
 28 _____
 29 _____
 30 _____
 31 _____
 32 _____
 33 _____
 34 _____
 35 _____
 36 _____
 37 _____
 38 _____
 39 _____

Signature of voter.

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

(b) The application for an advance voting ballot to be transmitted in person 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).

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

9 (1) A current and valid Kansas driver's license number or
10 nondriver's identification card utility bill, bank statement, paycheck,
11 government check or other government document that shows my name
12 and address. A copy of any one of the following types of photographic
13 identification: a driver's license issued by Kansas or by another state or
14 district of the United States, a state identification card issued by Kansas
15 or by another state or district of the United States, a concealed carry of
16 weapon license issued by Kansas or by another state or district of the
17 United States, a United States passport, an employee badge or
18 identification document issued by a municipal, county, state, or federal
19 government office or agency, a military identification document issued
20 by the United States, a student identification card issued by a public
21 post-secondary institution in the state of Kansas, or a public assistance
22 identification card issued by a municipal, county, state, or federal
23 government office or agency; and

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

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

31 _____
32 _____

33
34 Signature of voter.
35

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

38 (c) An application for permanent advance voting status shall be on
39 a form prescribed by the secretary of state for this purpose. Such

1 application shall contain an affirmation concerning substantially the
2 same information required in subsection (a) and in addition thereto a
3 statement regarding the permanent character of such illness or
4 disability.

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

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

10 Sec. 4. K.S.A. 2010 Supp. 25-1123 is hereby amended to read as
11 follows: 25-1123. (a) When an application for an advance voting ballot
12 has been filed in accordance with K.S.A. 25-1122, and amendments
13 thereto, the county election officer shall transmit to the voter applying
14 therefor one each of the appropriate ballots. ~~Except as provided by~~
15 ~~subsection (b)~~ *Unless an advance voting ballot is transmitted in person*
16 *pursuant to this subsection,* the county election officer shall transmit
17 the advance voting ballots to the voter at one of the following addresses
18 as specified by the voter on such application: (1) The voter's residential
19 address or mailing address as indicated on the registration list; (2) the
20 voter's temporary residential address; or (3) a medical care facility as
21 defined in K.S.A. 65-425, and amendments thereto, psychiatric
22 hospital, hospice or adult care home where the voter resides. No
23 advance voting ballot shall be transmitted by the county election officer
24 by any means prior to the 20th day before the election for which an
25 application for an advance voting ballot has been received by such
26 county election officer. If the advance voting ballot is transmitted by
27 mail, such ballot shall be transmitted with printed instructions
28 prescribed by the secretary of state and a ballot envelope bearing upon
29 the outside a printed form as described in K.S.A. 25-1120, and
30 amendments thereto, and the same number as the number of the ballot.
31 If the advance voting ballot is transmitted to the applicant in person in
32 the office of the county election officer or at a satellite advance voting
33 site, such advance voting ballot and printed instructions shall be
34 transmitted in an advance voting ballot envelope bearing upon the
35 outside a printed form as described in K.S.A. 25-1120, and
36 amendments thereto, and the same number as the number of the ballot
37 unless the voter elects to deposit the advance voting ballot into a locked
38 ballot box without an envelope. All ballots shall be transmitted to the
39 advance voting voter not more than 20 days before the election but

1 within two business days of the receipt of such voter's application by
2 the election officer or the commencement of such 20-day period. In
3 primary elections required to be conducted on a partisan basis, the
4 election officer shall deliver to such voter the ballot of the political
5 party of the applicant.

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

11 (c) The county election officer shall compare the driver's license
12 number, nondriver's identification card number, ~~social security number~~
13 or copy of other valid identification provided by a ~~first-time~~ voter to the
14 voter registration list verified by the division of ~~motor~~ vehicles in
15 accordance with federal law. If no identification information was
16 provided by the ~~first-time~~ voter, or if such information does not match
17 the information on the voter registration list, the county election officer
18 shall ~~not transmit an~~ **transmit a provisional** advance voting ballot.

19 Sec. 5. K.S.A. 2010 Supp. 25-1124 is hereby amended to read as
20 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the
21 voter shall cast such voter's vote as follows: The voter shall make a
22 cross or check mark in the square or parentheses opposite the name of
23 each candidate or question for whom the voter desires to vote. The
24 voter shall make no other mark, and shall allow no other person to
25 make any mark, upon such ballot. If the advance voting ballot was
26 transmitted by mail, the voter personally shall place the ballot in the
27 ballot envelope bearing the same number as the ballot and seal the
28 envelope. The voter shall complete the form on the ballot envelope and
29 shall sign the same. Except as provided by K.S.A. 25-2908, and
30 amendments thereto, the ballot envelope shall be mailed or otherwise
31 transmitted to the county election officer. If the advance voting ballot
32 was transmitted to the voter in person in the office of the county
33 election officer or at a satellite advance voting site, the voter may
34 deposit such ballot into a locked ballot box without an envelope.

35 (b) Any ~~sick, physically disabled or illiterate~~ voter who *has an*
36 *illness or physical disability or who is not proficient in reading the*
37 *English language* that is unable to apply for or mark or transmit an
38 advance voting ballot, may request assistance by a person who has
39 signed a statement required by subsection (d) in applying for or

1 marking an advance voting ballot.

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

6 (d) The county election officer shall allow a person to assist a ~~sick,~~
7 ~~physically disabled or illiterate~~ voter *who has an illness or physical*
8 *disability or who is not proficient in reading the English language* in
9 applying for or marking an application or advance voting ballot,
10 provided a written statement is signed by the person who renders
11 assistance to the ~~sick, physically disabled or illiterate~~ voter *who has an*
12 *illness or physical disability or who is not proficient in reading the*
13 *English language* and *such statement is* submitted to the county
14 election officer with the application or ballot. The statement shall be on
15 a form prescribed by the secretary of state and shall contain a statement
16 from the person providing assistance that the person has not exercised
17 undue influence on the voting decision of the ~~sick, physically disabled~~
18 ~~or illiterate~~ voter *who has an illness or physical disability or who is not*
19 *proficient in reading the English language* and that the person
20 providing assistance has completed the application or marked the ballot
21 as instructed by the ~~sick, physically disabled or illiterate~~ voter.

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

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

34 (b) Except as provided in K.S.A. 25-1124, and amendments
35 thereto, no person shall *knowingly* interfere with or delay the
36 transmission of any advance voting ballot application from a voter to
37 the county election officer, nor shall any person mail, fax or otherwise
38 cause the application to be sent to a place other than the county election
39 office. Any person or group engaged in the distribution of advance

1 voting ballot applications shall mail, fax or otherwise deliver any
2 application signed by a voter to the county election office within two
3 days after such application is signed by the applicant.

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

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

13 ~~(d)(e)~~ No person, unless authorized by K.S.A. 25-1122 or K.S.A.
14 25-1124, and amendments thereto, shall *knowingly* intercept, interfere
15 with, or delay the transmission of advance voting ballots from the
16 county election officer to the voter.

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

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

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

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

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

37 **(a) There is hereby established the state election board, the**
38 **members of which shall be the lieutenant governor, the secretary of**
39 **state and the attorney general. The state election board shall meet**

- 1 on the call of the secretary of state.
- 2 (b) The state election board shall:
- 3 (1) Adopt rules and regulations for determination of
- 4 apportionment of election expenses among the subdivisions of
- 5 government. Such rules and regulations shall identify and define
- 6 the election expenses which are direct and those which are indirect,
- 7 or shall define sufficient means of making determination thereof;
- 8 (2) assess information provided by any applicant for voter
- 9 registration as evidence of citizenship pursuant to K.S.A. 25-
- 10 2309(m), and amendments thereto; and
- 11 (3) ~~The state election board shall~~ make such additional rules and
- 12 regulations as it deems advisable relating to payment of election
- 13 expenses.
- 14 ~~Sec. 7.~~ 8. K.S.A. 2010 Supp. 25-2309 is hereby amended to read
- 15 as follows: 25-2309. (a) Any person may apply in person, by mail,
- 16 through a voter registration agency, or by other delivery to a county
- 17 election officer to be registered. Such application shall be made on: (1)
- 18 A form approved by the secretary of state, which shall be provided by a
- 19 county election officer or chief state election official upon request in
- 20 person, by telephone or in writing; or (2) the **national** mail voter
- 21 registration ~~application prescribed by~~ **form the issued pursuant to**
- 22 federal ~~law.election commission~~. Such application shall be signed by
- 23 the applicant under penalty of perjury and shall contain the original
- 24 signature of the applicant or the computerized, electronic or digitized
- 25 transmitted signature of the applicant. A signature may be made by
- 26 mark, initials, typewriter, print, stamp, symbol or any other manner if
- 27 by placing the signature on the document the person intends the
- 28 signature to be binding. A signature may be made by another person at
- 29 the voter's direction if the signature reflects such voter's intention.
- 30 (b) Applications made under this section shall give voter eligibility
- 31 requirements and such information as is necessary to *prevent*
- 32 *duplicative voter registrations and enable the relevant election officer*
- 33 *to assess the eligibility of the applicant and to administer voter*
- 34 *registration, identify the applicant and to determine the qualifications*
- 35 *of the applicant as an elector and the facts authorizing such person to be*
- 36 *registered*, including, but not limited to, the following data *to be kept*
- 37 *by the relevant election officer as provided by law:*
- 38 (1) Name;
- 39 (2) place of residence, including specific address or location, and

1 mailing address if the residence address is not a permissible postal
2 address;

3 (3) date of birth;

4 (4) sex;

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

7 (6) telephone number, if available;

8 (7) naturalization data (if applicable);

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

11 (9) when present residence established;

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

14 (11) an attestation that the applicant meets each eligibility
15 requirement;

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

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

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

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

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

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

35 ~~(17)~~ (18) in reference to paragraphs (15) and ~~(16)~~(17) the
36 statement "If you checked 'no' in response to either of these questions,
37 do not complete this form.";

38 ~~(18)~~ (19) a statement that the applicant ~~may~~shall be required to
39 provide identification when voting; and

1 ~~(19)~~ (20) political party affiliation declaration, if any. An
2 applicant's failure to make a declaration will result in the applicant
3 being registered as an unaffiliated voter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (j) No application for voter registration shall be made available for

1 public inspection or copying unless the information required by
2 paragraph (5) of subsection (b) has been removed or otherwise
3 rendered unreadable.

4 (k) If an applicant fails to answer the question prescribed in
5 paragraph (15) of subsection (b), the county election officer shall send
6 the application to the applicant at the postal delivery address given on
7 the application, by nonforwardable mail, with a notice of
8 incompleteness. The notice shall specify a period of time during which
9 the applicant may complete the application in accordance with K.S.A.
10 25-2311, and amendments thereto, and be eligible to vote in the next
11 election.

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

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

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

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

- 1 (4) *the applicant's United States naturalization documents or the*
2 *number of the certificate of naturalization. If only the number of the*
3 *certificate of naturalization is provided, the applicant shall not be*
4 *included in the registration rolls until the number of the certificate of*
5 *naturalization is verified with the United States bureau of citizenship*
6 *and immigration services by the county election officer or the secretary*
7 *of state, pursuant to 8 U.S.C. § 1373(c);*
8 (5) *other documents or methods of proof of United States*
9 *citizenship issued by the federal government pursuant to the*
10 *immigration and nationality act of 1952, and amendments thereto; or*
11 (6) *the applicant's bureau of Indian affairs card number, tribal*
12 *treaty card number or tribal enrollment number;*
13 **(7) the applicant's consular report of birth abroad of a citizen**
14 **of the United States of America;**
15 **(8) the applicant's certificate of citizenship issued by the**
16 **United States citizenship and immigration services;**
17 **(9) the applicant's certification of report of birth issued by the**
18 **United States department of state;**
19 **(10) the applicant's American Indian card, with KIC**
20 **classification, issued by the United States department of homeland**
21 **security;**
22 **(11) the applicant's final adoption decree showing the**
23 **applicant's name and United States birthplace;**
24 **(12) the applicant's official United States military record of**
25 **service showing the applicant's place of birth in the United States;**
26 **or**
27 **(13) an extract from a United States hospital record of birth**
28 **created at the time of the applicant's birth indicating the**
29 **applicant's place of birth in the United States.**
30 **(m) If an applicant is a United States citizen but does not have**
31 **any of the documentation listed in this section as satisfactory**
32 **evidence of United States citizenship, such applicant may submit**
33 **any evidence that such applicant believes demonstrates the**
34 **applicant's United States citizenship.**
35 **(1) Any applicant seeking an assessment of evidence under this**
36 **subsection may directly contact the elections division of the**
37 **secretary of state by submitting a voter registration application or**
38 **form as described by this section and any supporting evidence of**
39 **United States citizenship. Upon receipt of this information, the**

1 secretary of state shall notify the state election board, as established
 2 under K.S.A. 25-2203, and amendments thereto, that such
 3 application is pending.

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

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

14 (4) If an applicant submits an application and any supporting
 15 evidence prior to the close of registration for an election cycle, a
 16 determination by the state election board shall be issued at least
 17 five days before such election date.

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

22 (6) If the state election board finds that the evidence presented
 23 by an applicant does not constitute satisfactory evidence of United
 24 States citizenship, such applicant shall have the right to appeal
 25 such determination by the state election board by instituting an act
 26 under 8 U.S.C. § 1503. Any negative assessment of an applicant's
 27 eligibility by the state election board shall be reversed if the
 28 applicant obtains a declaratory judgment pursuant to 8 U.S.C. §
 29 1503, demonstrating that such applicant is a national of the United
 30 States.

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

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

38 ~~(o)~~ (p) *A registered Kansas voter who moves from one residence*
 39 *to another within the state of Kansas or who modifies such voter's*

1 *registration records for any other reason shall not be required to*
 2 *submit evidence of United States citizenship.*

3 ~~(p)~~ **(q)** *All documents submitted as evidence of citizenship shall be*
 4 *kept confidential by the county election officer or the secretary of state*
 5 *and maintained as provided by Kansas record retention laws. The*
 6 *provisions of this subsection shall expire on July 1, 2016, unless the*
 7 *legislature reviews and reenacts this provision pursuant to K.S.A. 45-*
 8 *229, and amendments thereto, prior to July 1, 2016.*

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

11 **(s) Nothing in this section shall prohibit an applicant from**
 12 **providing, or the secretary of state or county election officer from**
 13 **obtaining satisfactory evidence of United States citizenship, as**
 14 **described in subsection (1), at a different time or in a different**
 15 **manner than an application for registration is provided, as long as**
 16 **the applicant's eligibility can be adequately assessed by the**
 17 **secretary of state or county election officer as required by this**
 18 **section.**

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

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

32 **(b) The voter registration section of the application:**

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

39 **(2) shall include a statement that specifies each eligibility**

1 requirement for voting, contains an attestation that the applicant
2 meets each such requirement, including citizenship, and requires
3 the signature of the applicant, under penalty of perjury;

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

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

12 (5) shall be made available by the division of vehicles (as
13 submitted by the applicant, or in machine-readable or other
14 format) to the secretary of state and county election officers, as
15 provided by rules and regulations adopted by the secretary of state;
16 and

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

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

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

28 (e) Following the line fixed for the signature of the applicant
29 on the application for voter registration, a statement shall be
30 printed stating that the penalty for submission of a false voter
31 registration application is a maximum presumptive sentence of 17
32 months in prison.

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

39 (⊕) (g) The secretary of state is hereby authorized to adopt such

1 **rules and regulations in the manner prescribed by law as may be**
2 **necessary for the administration of the provisions of this section.**

3 ~~Sec. 8.~~ **10.** K.S.A. 25-2411 is hereby amended to read as follows:
4 25-2411. Election perjury is intentionally and knowingly falsely
5 swearing, affirming, declaring or subscribing to any of the following:
6 (a) Statements in answer to questions put to a person who has been
7 challenged as unqualified to vote.

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

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

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

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

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

23 Election perjury is a severity level 98, nonperson felony.

24 ~~Sec. 9.~~ **11.** K.S.A. 25-2416 is hereby amended to read as follows:
25 25-2416. (a) Voting without being qualified is knowingly: ~~and~~
26 ~~willfully:~~ (a)

27 (1) Voting or attempting to vote ~~at~~ in any election *district* when not
28 a lawfully registered voter *in such election district; or:*

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

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

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

35 (b) Voting without being qualified is a *severity level 8, nonperson*
36 *felony. class A misdemeanor.*

37 ~~Sec. 10.~~ **12.** K.S.A. 25-2423 is hereby amended to read as follows:
38 25-2423.

39 (a) Election tampering is, while being charged with no election

1 duty, making or changing any election record.
2 (b) Election tampering is a severity level 87, nonperson felony.
3 ~~Sec. 11.~~ **13.** K.S.A. 25-2431 is hereby amended to read as follows:
4 25-2431.
5 (a) False impersonation of a voter is representing oneself as
6 another *person whether real or fictitious* and ~~thereas~~*thereby* voting or
7 attempting to vote.
8 (b) False impersonation of a voter is a severity level 98, nonperson
9 felony.
10 ~~Sec. 12.~~ **14.** K.S.A. 2010 Supp. 25-2908 is hereby amended to
11 read as follows: 25-2908. (a) Each polling place shall use either: (1) A
12 registration book and a poll book, as defined in K.S.A. 25-2507(a) and
13 K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration
14 book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto.
15 The county election officer shall determine which books are used in
16 each county, and which book voters shall sign.
17 (b) A person desiring to vote shall provide to the election board:
18 (1) The voter's name; (2) if required, the voter's address; ~~and~~ (3) the
19 voter's signature on the registration or poll book; *and (4) a valid form*
20 *of identification listed in subsection (h).* A signature may be made by
21 mark, initials, typewriter, print, stamp, symbol or any other manner if
22 by placing the signature on the document the person intends the
23 signature to be binding. A signature may be made by another person at
24 the voter's direction if the signature reflects such voter's intention.
25 (c) A member of the election board shall:
26 (1) Announce the voter's name in a loud and distinct tone of voice,
27 and, if the name is in the registration books, the member of the election
28 board having the registration record shall repeat the name;
29 (2) request the voter's signature on the registration or poll book;
30 (3) provide the required signature at the request of and on behalf
31 of any voter who is unable to personally affix a signature by reason of
32 temporary illness or disability, or lack of proficiency in reading the
33 English language;
34 (4) ~~if the voter is a first-time voter as described in subsection (h)~~
35 ~~of this section, request valid identification from the voter unless such~~
36 ~~voter has previously submitted current and valid identification in the~~
37 ~~county where registered; request a valid form of identification from the~~
38 ~~voter. If the member of the election board is satisfied that the voter is~~
39 ~~the person depicted in the identification and that the identification~~

1 *provided is one of the valid forms of identification listed in subsection*
2 *(h), the member of the election board shall place such member's initials*
3 *in the space provided and allow the voter to vote;*

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

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

9 ~~(d) A first-time voter shall provide to the election board a form of~~
10 ~~valid identification such as a current and valid Kansas driver's license,~~
11 ~~nondriver's identification card, utility bill, bank statement, paycheck,~~
12 ~~government check or other government document unless such voter has~~
13 ~~previously submitted current and valid identification in the county~~
14 ~~where registered. The document provided in accordance with this~~
15 ~~section shall contain the voter's current name and address as indicated~~
16 ~~on the registration book or poll book.~~

17 ~~(e)(d)~~ If a ~~first-time~~ voter is unable or refuses to provide current
18 and valid identification at the polling place, or if the, **the voter may**
19 **vote a provisional ballot pursuant to K.S.A. 25-409, and**
20 **amendments thereto. If the voter's** name and address do not match
21 the voter's name and address on the registration book or poll book, the
22 voter may vote a provisional ballot according to K.S.A. 25-409, and
23 amendments thereto. The voter shall provide a valid form of
24 identification as defined in subsection ~~(d)~~(h) of this section to the
25 county election officer in person or provide a copy by mail or
26 electronic means before the meeting of the county board of canvassers.
27 At the meeting of the county board of canvassers the county election
28 officer shall present copies of identification received from provisional
29 voters and the corresponding provisional ballots. If the county board of
30 canvassers determines that a voter's identification is valid and the
31 provisional ballot was properly cast, the ballot shall be counted.

32 ~~(d)~~(e) If the name of any person desiring to vote at an election is
33 not in the registration books, an election board member shall print the
34 name and address of the person appearing to vote in the registration
35 book or poll book. The person appearing to vote shall add such person's
36 signature to the registration book or poll book beside such person's
37 printed name, as listed in the registration book or poll book, and the
38 election board judge shall challenge such person's vote pursuant to
39 K.S.A. 25-414, and amendments thereto. During the pendency of a

- 1 challenge other voters shall be given ballots and be permitted to vote.
- 2 ~~(g)~~ (f) A voter who has received an advance voting ballot may vote
 3 a provisional ballot on election day at the precinct polling place where
 4 the voter resides. If the voter returns the advance voting ballot to a
 5 judge or clerk at the precinct polling place, the judge or clerk shall void
 6 such advance voting ballot. Any such provisional ballot shall be
 7 counted only if the county board of canvassers determines that the
 8 provisional ballot was properly cast and the voter has not otherwise
 9 voted at such election.
- 10 ~~(h)~~ For the purposes of this section, "first-time voter" means a
 11 registered voter who has not previously voted in any election in the
 12 county in which the voter desires to vote. First-time voter includes a
 13 person whose name was removed from the county registration list in
 14 accordance with K.S.A. 25-2316e, and amendments thereto, and has re-
 15 registered.
- 16 ~~(i)~~ (g) The secretary of state may adopt rules and regulations *in*
 17 *order to implement the provisions of this section and defining*
 18 *valid forms of identification with greater specificity, however the*
 19 *requirement that a voter must provide a form of identification that*
 20 *complies with the subsection (h) may not be altered.*
- 21 (h) (1) *The following forms of identification shall be valid if the*
 22 *identification contains the name and photograph of the applicant voter*
 23 *and has not expired. Expired documents shall be valid if the bearer of*
 24 *the document is 65 years of age or older:*
- 25 (A) *A driver's license issued by Kansas or by another state or*
 26 *district of the United States;*
- 27 (B) *a state identification card issued by Kansas or by another*
 28 *state or district of the United States;*
- 29 (C) *a concealed carry of handgun license issued by Kansas or a*
 30 **concealed carry of handgun or weapon license issued** *by another*
 31 *state or district of the United States;*
- 32 (D) *a United States passport;*
- 33 (E) *an employee badge or identification document issued by a*
 34 *municipal, county, state, or federal government office or agency;*
- 35 (F) *a military identification document issued by the United States;*
- 36 (G) *a student identification card issued by a public an accredited*
 37 **postsecondary institution of education** *in the state of Kansas; or*
- 38 (H) *a public assistance identification card issued by a municipal,*
 39 *county, state, or federal government office or agency.*

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

8 ~~(3)~~ **(2)** *If the person fails to furnish the identification required by*
9 *this subsection, the person shall be allowed to vote a provisional*
10 *ballot. The canvassing board shall determine the validity of the ballot*
11 *pursuant to K.S.A. 25-3002, and amendments thereto.*

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

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

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

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

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

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

32 ~~Sec. 13.~~ **15.** K.S.A. 2010 Supp. 25-3002 is hereby amended to
33 read as follows: 25-3002. (a) The rules prescribed in this section shall
34 apply to:

35 (1) The original canvass by election boards.

36 (2) Intermediate and final canvasses by county boards of
37 canvassers.

38 (3) Final canvass by the state board of canvassers.

39 (4) All election contests.

1 (5) All other officers canvassing or having a part in the canvass of
2 any election.

3 (b) Rules for canvassers:

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

9 (2) The occurrences listed in this subpart (2) shall not invalidate
10 the whole ballot but shall invalidate that portion, and that portion only,
11 in which the occurrence appears. The votes on such portion of the
12 ballot shall not be counted for any candidate listed or written in such
13 portion, but the remainder of the votes in other portions of the ballot
14 shall be counted. The occurrences to which this subpart (2) shall apply
15 are:

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

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

21 (3) When a registered voter has cast a provisional ballot intended
22 for a precinct other than the precinct in which the voter resides but
23 located within the same county, the canvassers shall count the votes for
24 those offices or issues which are identical in both precincts. The
25 canvassers shall not count the votes for those offices or issues which
26 differ from the offices or issues appearing on the ballot used in the
27 precinct in which the voter resides.

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

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

33 (B) only the name of the candidate for governor is written on the
34 ballot.

35 (5) A write-in vote for those candidates for the offices of president
36 and vice-president 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

1 (B) only the name of the candidate for president is written on the
2 ballot.

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

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

10 (8) No ballot cast ~~by a first-time voter as defined by K.S.A. 25-~~
11 ~~1122, and amendments thereto, or K.S.A. 25-2908, and amendments~~
12 ~~thereto,~~ shall be counted if the voter fails to provide valid identification
13 *as defined by K.S.A. 25-2908, and amendments thereto.*

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

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

39 (3) *The secretary shall not charge any fee for a certified copy of a*

1 *birth certificate if the certificate is requested by any person who is 18*
2 *years of age or older for purposes of meeting the voter registration*
3 *requirements of K.S.A. 25-2309, and amendments thereto. Such person*
4 *shall sign an affidavit to be submitted to the secretary stating that such*
5 *person plans to register to vote and that the person receives:*

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

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

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

16 *(D) Any person who signs an affidavit provided in this subsection*
17 *knowing the information is false shall be guilty of a class C*
18 *misdemeanor.*

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

35 ~~(4)~~(5) Upon receipt of any such remittance of a fee for a certified
36 copy of a death certificate or abstract, \$4 of each such fee for the first
37 certified copy of a death certificate or abstract and \$2 of each such fee
38 for each additional copy of the same death certificate or abstract
39 requested at the same time shall be remitted to the state treasurer in

1 accordance with the provisions of K.S.A. 75-4215, and amendments
 2 thereto. Upon receipt of each such remittance, the state treasurer shall
 3 deposit the entire amount in the state treasury to the credit of the district
 4 coroners fund created by K.S.A. 22a-245, and amendments thereto. The
 5 balance of the money received for a fee for a certified copy of a death
 6 certificate or abstract shall be remitted to the state treasurer in
 7 accordance with the provisions of K.S.A. 75-4215, and amendments
 8 thereto. Upon receipt of each such remittance, the state treasurer shall
 9 deposit the entire amount in the state treasury to the credit of the civil
 10 registration and health statistics fee fund created by K.S.A. 2010 Supp.
 11 65-2418e, and amendments thereto.

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

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

23 (1) The district or county attorney of the county where such
 24 violations occurred;

25 (2) the Kansas attorney general; or

26 (3) the Kansas secretary of state.

27 (b) If one of the officers listed in section (a) has commenced ~~an~~
 28 **action a prosecution** or proceeding ~~which involves an election crime,~~
 29 ~~attempted election crime or violation~~ related to any election law, the
 30 other officers listed in section (a) may provide assistance to the
 31 prosecuting officer but may not commence a separate prosecution **or**
 32 **proceeding.**

33 New Sec. ~~16~~ **17.** (a) Voting more than once is knowingly:

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

35 or

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

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

39 Sec. ~~17~~ **18.** If any provision of this act is held to be

1 unconstitutional under the United States or Kansas constitutions, that
2 provision shall be severed from the act, and the other provisions of this
3 act shall remain valid and in effect.

4 ~~Sec. 18:~~ **19.** K.S.A. **25-2203, 25-2352**, 25-2411, 25-2416, 25-2423
5 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-
6 1123, 25-1124, 25-1128, 25-2309, 25-2908, 25-3002 and 65-2418 are
7 hereby repealed.

8 ~~Sec. 19:~~ **20.** This act shall take effect and be in force from and
9 after January 1, 2012, and its publication in the statute book.