

(Corrected)
[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2067

By Representatives Kinzer, Arpke, Brown, Brunk, Burgess, Calloway, Carlson, Collins, DeGraaf, Donohoe, Fawcett, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kleebl, 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; amending
2 K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and
3 K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-
4 1128, 25-2309, **[25-2320,]** 25-2908, 25-3002 and 65-2418 and
5 repealing the existing sections.
6

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

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

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

28 (c) The division shall not issue an identification card to any person
29 who fails to provide proof that the person is lawfully present in the United

1 States. If an applicant provides evidence of lawful presence as set out in
2 subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments
3 thereto, or is an alien lawfully admitted for temporary residence under
4 subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the
5 division may only issue a temporary identification card to the person under
6 the following conditions: (A) A temporary identification card issued
7 pursuant to this subparagraph shall be valid only during the period of time
8 of the applicant's authorized stay in the United States or, if there is no
9 definite end to the period of authorized stay, a period of one year; (B) a
10 temporary identification card issued pursuant to this subparagraph shall
11 clearly indicate that it is temporary and shall state the date upon which it
12 expires; (C) no temporary identification card issued pursuant to this
13 subparagraph shall be for a longer period of time than the time period
14 permitted by K.S.A. 8-1325, and amendments thereto; and (D) a
15 temporary identification card issued pursuant to this subparagraph may be
16 renewed, subject at the time of renewal, to the same requirements and
17 conditions set forth in this subsection (c) for the issuance of the original
18 temporary identification card.

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

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

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

29 (g) (1) The division shall require payment of a fee of \$14 at the time
30 application for an identification card is made, except that persons who are
31 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
32 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
33 In addition to the fees prescribed by this subsection, the division shall
34 require payment of the photo fee established pursuant to K.S.A. 8-243, and
35 amendments thereto, for the cost of the photograph to be placed on the
36 identification card.

37 (2) *The division shall not require payment of application or photo*
38 *fees under this subsection for any person 18 years of age or older for*
39 *purposes of meeting the voter registration requirements of K.S.A. 25-2309,*
40 *and amendments thereto. Such person shall sign an affidavit to be*
41 *submitted to the secretary of revenue stating that such person plans to*
42 *register to vote and that the person receives:*

43 (A) *Food assistance, general assistance, supplemental security*
44 *income (SSI), temporary assistance for families, medicaid assistance,*

1 *united tribes food distribution program, bureau of Indian affairs general*
2 *assistance, tribally administered temporary assistance for needy families*
3 *or meal assistance through the national school lunch program; or*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **(2) the name and address of the voter provided on the application**
31 **for an advance voting ballot do not match the voter's name and**
32 **address on the registration book.** The voter shall provide a valid form of
33 identification as defined in ~~subsection (e) of K.S.A. 25-2908, and~~
34 ~~amendments thereto, this section~~ to the county election officer in person or
35 provide a copy by mail or electronic means before the meeting of the
36 county board of canvassers. At the meeting of the county board of
37 canvassers the county election officer shall present copies of identification
38 received from provisional voters and the corresponding provisional ballots.
39 If the county board of canvassers determines that a voter's identification is
40 valid and the provisional ballot was properly cast, the ballot shall be
41 counted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 The county election officer may designate places other than the central
34 county election office as satellite advance voting sites. At any satellite
35 advance voting site, a registered voter may obtain an application for
36 advance voting ballots. Such ballots and instructions shall be delivered to
37 the voter in the same manner and subject to the same limitations as
38 otherwise provided by this subsection.

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

1 permanent advance voting status.

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

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

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

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

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

5 Affirmation of an Elector of the County of _____ and State
 6 of Kansas Desiring to Vote an Advance Voting Ballot
 7 State of _____, County of _____, ss:

8 I,

9 _____

10 _____

(Please print name)

11
 12
 13 do solemnly affirm under penalty of perjury that I am a qualified elector of
 14 the _____ precinct of the _____ ward, residing at number _____ on
 15 _____ street, city of _____, or in the township of
 16 _____, county of _____, and state of Kansas. My date of birth
 17 is _____ (month/day/year).

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

26 (1) ~~A current and valid Kansas driver's license number or nondriver's~~
 27 ~~identification card number; or~~ **A copy of any one of the following types of**
 28 **photographic identification: a driver's license issued by Kansas or by**
 29 **another state or district of the United States, a state identification card**
 30 **issued by Kansas or by another state or district of the United States, a**
 31 **concealed carry of ~~weapon~~ handgun license issued by Kansas or a**
 32 **concealed carry of handgun or weapon license issued by another state**
 33 **or district of the United States, a United States passport, an employee**
 34 **badge or identification document issued by a municipal, county, state, or**
 35 **federal government office or agency, a military identification document**
 36 **issued by the United States, a student identification card issued by a public**
 37 **an accredited post secondary institution of education in the state of**
 38 **Kansas, or a public assistance identification card issued by a municipal,**
 39 **county, state, or federal government office or agency; and.**

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

44 (3) ~~a copy of a current and valid Kansas driver's license or nondriver's~~

1 ~~identification card, utility bill, bank statement, paycheck, government-~~
 2 ~~check, or other government document that shows my name and address.~~

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

8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____
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 27 _____
 28 _____
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 30 _____
 31 _____
 32 _____
 33 _____
 34 _____
 35 _____
 36 _____
 37 _____
 38 _____
 39 _____
 40 _____
 41 _____
 42 _____
 43 _____
 44 _____

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).

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

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

1 the state of Kansas, or a public assistance identification card issued by a
 2 municipal, county, state, or federal government office or agency; and

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

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

10

11

12

13

14

 Signature of voter.

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

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

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

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

27 Sec. 4. K.S.A. 2010 Supp. 25-1123 is hereby amended to read as
 28 follows: 25-1123. (a) When an application for an advance voting ballot has
 29 been filed in accordance with K.S.A. 25-1122, and amendments thereto,
 30 the county election officer shall transmit to the voter applying therefor one
 31 each of the appropriate ballots. ~~Except as provided by subsection~~
 32 ~~(b) Unless an advance voting ballot is transmitted in person pursuant to~~
 33 ~~this subsection,~~ the county election officer shall transmit the advance
 34 voting ballots to the voter at one of the following addresses as specified by
 35 the voter on such application: (1) The voter's residential address or mailing
 36 address as indicated on the registration list; (2) the voter's temporary
 37 residential address; or (3) a medical care facility as defined in K.S.A. 65-
 38 425, and amendments thereto, psychiatric hospital, hospice or adult care
 39 home where the voter resides. No advance voting ballot shall be
 40 transmitted by the county election officer by any means prior to the 20th
 41 day before the election for which an application for an advance voting
 42 ballot has been received by such county election officer. If the advance
 43 voting ballot is transmitted by mail, such ballot shall be transmitted with
 44 printed instructions prescribed by the secretary of state and a ballot

1 envelope bearing upon the outside a printed form as described in K.S.A.
2 25-1120, and amendments thereto, and the same number as the number of
3 the ballot. If the advance voting ballot is transmitted to the applicant in
4 person in the office of the county election officer or at a satellite advance
5 voting site, such advance voting ballot and printed instructions shall be
6 transmitted in an advance voting ballot envelope bearing upon the outside
7 a printed form as described in K.S.A. 25-1120, and amendments thereto,
8 and the same number as the number of the ballot unless the voter elects to
9 deposit the advance voting ballot into a locked ballot box without an
10 envelope. All ballots shall be transmitted to the advance voting voter not
11 more than 20 days before the election but within two business days of the
12 receipt of such voter's application by the election officer or the
13 commencement of such 20-day period. In primary elections required to be
14 conducted on a partisan basis, the election officer shall deliver to such
15 voter the ballot of the political party of the applicant.

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

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

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

44 (b) Any ~~sick, physically disabled or illiterate~~ voter who *has an illness*

1 *or physical disability or who is not proficient in reading the English*
2 *language that is unable to apply for or mark or transmit an advance voting*
3 *ballot, may request assistance by a person who has signed a statement*
4 *required by subsection (d) in applying for or marking an advance voting*
5 *ballot.*

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

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

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

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

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

1 county election office within two days after such application is signed by
2 the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

7 Sec.-7. **8.** K.S.A. 2010 Supp. 25-2309 is hereby amended to read as
8 follows: 25-2309. (a) Any person may apply in person, by mail, through a
9 voter registration agency, or by other delivery to a county election officer
10 to be registered. Such application shall be made on: (1) A form approved
11 by the secretary of state, which shall be provided by a county election
12 officer or chief state election official upon request in person, by telephone
13 or in writing; or (2) the **national** mail voter registration ~~application~~
14 ~~prescribed by form the issued pursuant to federal law.~~ ~~election~~
15 ~~commission.~~ Such application shall be signed by the applicant under
16 penalty of perjury and shall contain the original signature of the applicant
17 or the computerized, electronic or digitized transmitted signature of the
18 applicant. A signature may be made by mark, initials, typewriter, print,
19 stamp, symbol or any other manner if by placing the signature on the
20 document the person intends the signature to be binding. A signature may
21 be made by another person at the voter's direction if the signature reflects
22 such voter's intention.

23 (b) Applications made under this section shall give voter eligibility
24 requirements and such information as is necessary to *prevent duplicative*
25 *voter registrations and enable the relevant election officer to assess the*
26 *eligibility of the applicant and to administer voter registration, identify the*
27 ~~applicant and to determine the qualifications of the applicant as an elector~~
28 ~~and the facts authorizing such person to be registered,~~ including, but not
29 limited to, the following data *to be kept by the relevant election officer as*
30 *provided by law:*

- 31 (1) Name;
- 32 (2) place of residence, including specific address or location, and
- 33 mailing address if the residence address is not a permissible postal address;
- 34 (3) date of birth;
- 35 (4) sex;
- 36 (5) the last four digits of the person's social security number or the
- 37 person's full driver's license or nondriver's identification card number;
- 38 (6) telephone number, if available;
- 39 (7) naturalization data (if applicable);
- 40 (8) if applicant has previously registered or voted elsewhere,
- 41 residence at time of last registration or voting;
- 42 (9) when present residence established;
- 43 (10) name under which applicant last registered or voted, if different
- 44 from present name;

1 (11) an attestation that the applicant meets each eligibility
2 requirement;

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

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

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

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

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

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

22 ~~(17)~~ (18) in reference to paragraphs (15) and ~~(16)~~(17) the statement
23 "If you checked 'no' in response to either of these questions, do not
24 complete this form.";

25 ~~(18)~~ (19) a statement that the applicant ~~may~~shall be required to
26 provide identification when voting; and

27 ~~(19)~~ (20) political party affiliation declaration, if any. An applicant's
28 failure to make a declaration will result in the applicant being registered as
29 an unaffiliated voter.

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

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

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

44 (2) a statement that if the applicant declines to register to vote, this

1 decision will remain confidential and be used only for voter registration
2 purposes;

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

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

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

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

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

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

25 (e) A voter registration agency shall transmit the completed
26 registration application to the county election officer not later than five
27 days after the date of acceptance. Upon receipt of an application for
28 registration, the county election officer shall send, by nonforwardable
29 mail, a notice of disposition of the application to the applicant at the postal
30 delivery address shown on the application. If a notice of disposition is
31 returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-
32 2316c, and amendments thereto, shall occur.

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

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

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

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

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

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

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

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

44 (2) *the applicant's birth certificate that verifies United States*

1 citizenship to the satisfaction of the county election officer or secretary of
2 state;

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

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

14 (5) other documents or methods of proof of United States citizenship
15 issued by the federal government pursuant to the immigration and
16 nationality act of 1952, and amendments thereto; ~~or~~

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

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

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

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

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

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

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

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

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

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

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

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

9 (3) The state election board shall assess the evidence provided by
10 the applicant to determine whether the applicant has provided
11 satisfactory evidence of United States citizenship. A decision of the
12 state election board shall be determined by a majority vote of the
13 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 five
17 days before such election date.

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

22 (6) If the state election board finds that the evidence presented by
23 an applicant does not constitute satisfactory evidence of United States
24 citizenship, such applicant shall have the right to appeal such
25 determination by the state election board by instituting an action
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 applicant
28 obtains a declaratory judgment pursuant to 8 U.S.C. § 1503,
29 demonstrating that such applicant is a national of the United States.

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

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

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

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

1 *and amendments thereto, prior to July 1, 2016.*

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

4 **(s)** **Nothing in this section shall prohibit an applicant from**
5 **providing, or the secretary of state or county election officer from**
6 **obtaining satisfactory evidence of United States citizenship, as**
7 **described in subsection (1), at a different time or in a different manner**
8 **than an application for registration is provided, as long as the**
9 **applicant's eligibility can be adequately assessed by the secretary of**
10 **state or county election officer as required by this section.**

11 [Sec. 9. K.S.A. 2010 Supp. 25-2320 is hereby amended to read as
12 follows: 25-2320. **(a)** **The county election officer shall allow access to**
13 **any person at any time during regular business hours, under**
14 **supervision of the county election officer for the purpose of examining**
15 **the voter registration books, active voter lists and other lists of voters**
16 **required to be kept. Any person may make a written request for a**
17 **copy of the registration books at any time except on any election day.**
18 **The election officer is hereby directed to provide one or more copies**
19 **which are accurate insofar as practicable of such books to the person**
20 **so requesting. The election officer shall provide such copies to the**
21 **person within 10 days following the request if so requested. The**
22 **expense of making such copies shall be paid by the person requesting**
23 **them. The cost of copies shall be established by the county election**
24 **officer at a price which is not more than the actual cost and shall be**
25 **set uniformly in order that the price therefor shall be the same for all**
26 **persons requesting identical copies.**

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

32 ~~Sec. 9. [10.]~~ **K.S.A. 25-2352 is hereby amended to read as follows:**
33 **25-2352. (a) (1) Each Kansas division of motor vehicles driver's license**
34 **application and nondriver identification card application (including**
35 **any renewal application) submitted to a division of motor vehicles**
36 **office in Kansas shall serve as an application for voter registration**
37 **unless the applicant fails to sign the voter registration application. An**
38 **individual who completes the application for voter registration and is**
39 **otherwise eligible shall be registered to vote in accordance with the**
40 **information supplied by the individual.**

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

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

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

7 **(2) shall include a statement that specifies each eligibility**
8 **requirement for voting, contains an attestation that the applicant**
9 **meets each such requirement, including citizenship, and requires the**
10 **signature of the applicant, under penalty of perjury;**

11 **(3) shall include a statement that, if an applicant declines to**
12 **register to vote, the fact that the applicant has declined to register will**
13 **remain confidential and will be used only for voter registration**
14 **purposes;**

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

19 **(5) shall be made available by the division of vehicles (as**
20 **submitted by the applicant, or in machine-readable or other format)**
21 **to the secretary of state and county election officers, as provided by**
22 **rules and regulations adopted by the secretary of state; and**

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

25 **(c) The motor vehicle driver's license and nondriver identification**
26 **card form used for change of residence address shall also serve as a**
27 **notification of change of residence address for voter registration for**
28 **elections, unless the registrant states on the form that the change is not**
29 **for voter registration purposes.**

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

34 **(e) Following the line fixed for the signature of the applicant on**
35 **the application for voter registration, a statement shall be printed**
36 **stating that the penalty for submission of a false voter registration**
37 **application is a maximum presumptive sentence of 17 months in**
38 **prison.**

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

44 ~~(f)~~ **(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.~~ [11.] K.S.A. 25-2411 is hereby amended to read as
 4 follows: 25-2411. Election perjury is intentionally and knowingly falsely
 5 swearing, affirming, declaring or subscribing to any of the following: (a)
 6 Statements in answer to questions put to a person who has been challenged
 7 as unqualified to vote.

8 (b) Statements in answer to questions put to a witness concerning the
 9 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 of
 14 this state.

15 (d) Statements in answer to questions put by a county election officer
 16 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 physical
 21 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.~~ [12.] K.S.A. 25-2416 is hereby amended to read as
 25 follows: 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 a
 28 lawfully registered voter *in such election district; or:*

29 (2) *voting or attempting to vote at any election by a person who is not*
 30 *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 same~~
 34 ~~election.~~

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

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

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

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

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

44 (a) False impersonation of a voter is representing oneself as another

1 *person whether real or fictitious and thereas*thereby voting or attempting to
2 vote.

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

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

12 (b) A person desiring to vote shall provide to the election board: (1)
13 The voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's
14 signature on the registration or poll book; ~~and~~ (4) *a valid form of*
15 *identification listed in subsection (h)*. A signature may be made by mark,
16 initials, typewriter, print, stamp, symbol or any other manner if by placing
17 the signature on the document the person intends the signature to be
18 binding. A signature may be made by another person at the voter's
19 direction if the signature reflects such voter's intention.

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

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

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

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

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

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

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

43 ~~(d) A first-time voter shall provide to the election board a form of~~
44 ~~valid identification such as a current and valid Kansas driver's license,~~

1 ~~nondriver's identification card, utility bill, bank statement, paycheck,~~
2 ~~government check or other government document unless such voter has~~
3 ~~previously submitted current and valid identification in the county where~~
4 ~~registered. The document provided in accordance with this section shall~~
5 ~~contain the voter's current name and address as indicated on the~~
6 ~~registration book or poll book.~~

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

22 ~~(f)(e)~~ If the name of any person desiring to vote at an election is not
23 in the registration books, an election board member shall print the name
24 and address of the person appearing to vote in the registration book or poll
25 book. The person appearing to vote shall add such person's signature to the
26 registration book or poll book beside such person's printed name, as listed
27 in the registration book or poll book, and the election board judge shall
28 challenge such person's vote pursuant to K.S.A. 25-414, and amendments
29 thereto. During the pendency of a challenge other voters shall be given
30 ballots and be permitted to vote.

31 ~~(g)(f)~~ A voter who has received an advance voting ballot may vote a
32 provisional ballot on election day at the precinct polling place where the
33 voter resides. If the voter returns the advance voting ballot to a judge or
34 clerk at the precinct polling place, the judge or clerk shall void such
35 advance voting ballot. Any such provisional ballot shall be counted only if
36 the county board of canvassers determines that the provisional ballot was
37 properly cast and the voter has not otherwise voted at such election.

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

43 ~~(i)(g)~~ The secretary of state may adopt rules and regulations *in order*
44 *to implement the provisions of this section and defined* ~~defining~~ valid forms

1 of identification *with greater specificity, however the requirement that a*
2 *voter must provide a form of identification that complies with the*
3 *subsection (h) may not be altered.*

4 (h) (1) *The following forms of identification shall be valid if the*
5 *identification contains the name and photograph of the applicant voter*
6 *and has not expired. Expired documents shall be valid if the bearer of the*
7 *document is 65 years of age or older:*

8 (A) *A driver's license issued by Kansas or by another state or district*
9 *of the United States;*

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

12 (C) *a concealed carry of handgun license issued by Kansas or a*
13 **concealed carry of handgun or weapon license issued** *by another state or*
14 *district of the United States;*

15 (D) *a United States passport;*

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

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

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

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

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

30 ~~(3) (2) If the person fails to furnish the identification required by this~~
31 ~~subsection, the person shall be allowed to vote a provisional ballot. The~~
32 ~~canvassing board shall determine the validity of the ballot pursuant to~~
33 ~~K.S.A. 25-3002, and amendments thereto.~~

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

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

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

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

44 (4) *the spouse or dependent of a member referred to in paragraph*

1 (2) or (3), who, by reason of the active duty or service of the member, is
2 absent from the county on election day; and

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

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

12 (1) The original canvass by election boards.

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

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

15 (4) All election contests.

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

18 (b) Rules for canvassers:

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

24 (2) The occurrences listed in this subpart (2) shall not invalidate the
25 whole ballot but shall invalidate that portion, and that portion only, in
26 which the occurrence appears. The votes on such portion of the ballot shall
27 not be counted for any candidate listed or written in such portion, but the
28 remainder of the votes in other portions of the ballot shall be counted. The
29 occurrences to which this subpart (2) shall apply are:

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

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

35 (3) When a registered voter has cast a provisional ballot intended for
36 a precinct other than the precinct in which the voter resides but located
37 within the same county, the canvassers shall count the votes for those
38 offices or issues which are identical in both precincts. The canvassers shall
39 not count the votes for those offices or issues which differ from the offices
40 or issues appearing on the ballot used in the precinct in which the voter
41 resides.

42 (4) A write-in vote for those candidates for the offices of governor
43 and lieutenant governor shall not be counted unless the pair of candidates
44 have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and

1 amendments thereto, and:

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

3 (B) only the name of the candidate for governor is written on the
4 ballot.

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

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

10 (B) only the name of the candidate for president is written on the
11 ballot.

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

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

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

23 ~~Sec. 14-16. [17.]~~ K.S.A. 2010 Supp. 65-2418 is hereby amended to
24 read as follows: 65-2418. (a) (1) The secretary shall fix and charge by
25 rules and regulations the fees to be paid for certified copies or abstracts of
26 certificates or for search of the files for birth, death, fetal death, marriage
27 or divorce records when no certified copy or abstract is made. Except as
28 otherwise provided in this section, the secretary shall remit all moneys
29 received by or for the secretary from fees, charges or penalties, under the
30 uniform vital statistics act, and amendments thereto, to the state treasurer
31 in accordance with the provisions of K.S.A. 75-4215, and amendments
32 thereto. Upon receipt of each such remittance, the state treasurer shall
33 deposit the entire amount in the state treasury to the credit of the civil
34 registration and health statistics fee fund created by K.S.A. 2010 Supp. 65-
35 2418e, and amendments thereto.

36 (2) The secretary shall not charge any fee for a certified copy of a
37 certificate or abstract or for a search of the files or records if the certificate,
38 abstract or search is requested by a person who exhibits correspondence
39 from the United States department of veterans affairs or the Kansas
40 commission on veterans' affairs which indicates that the person is applying
41 for benefits from the United States department of veterans affairs and that
42 such person needs the requested information to obtain such benefits,
43 except that, for a second or subsequent certified copy of a certificate,
44 abstract or search of the files requested by the person, the usual fee shall

1 be charged. The secretary may provide by rules and regulations for
2 exemptions from such fees.

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

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

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

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

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

20 ~~(3)~~(4) Upon receipt of any such remittance of a fee for a certified
21 copy of a birth certificate or abstract, \$3 of each such fee for the first copy
22 of a birth certificate or abstract and \$1 of each such fee for each additional
23 copy of the same birth certificate or abstract requested at the same time
24 shall be remitted to the state treasurer in accordance with the provisions of
25 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
26 remittance, the state treasurer shall deposit the entire amount in the state
27 treasury to the credit of the permanent families account of the family and
28 children investment fund created by K.S.A. 38-1808, and amendments
29 thereto. The balance of the money received for a fee for a certified copy of
30 a birth certificate or abstract shall be remitted to the state treasurer in
31 accordance with the provisions of K.S.A. 75-4215, and amendments
32 thereto. Upon receipt of each such remittance, the state treasurer shall
33 deposit the entire amount in the state treasury to the credit of the civil
34 registration and health statistics 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 for
38 each additional copy of the same death certificate or abstract requested at
39 the same time shall be remitted to the state treasurer in accordance with the
40 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
41 each such remittance, the state treasurer shall deposit the entire amount in
42 the state treasury to the credit of the district coroners fund created by
43 K.S.A. 22a-245, and amendments thereto. The balance of the money
44 received for a fee for a certified copy of a death certificate or abstract shall

1 be remitted to the state treasurer in accordance with the provisions of
2 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
3 remittance, the state treasurer shall deposit the entire amount in the state
4 treasury to the credit of the civil registration and health statistics fee fund
5 created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

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

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

17 (1) The district or county attorney of the county where such violations
18 occurred;

19 (2) the Kansas attorney general; or

20 (3) the Kansas secretary of state.

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

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

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

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

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

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

35 Sec. ~~18~~ ~~19~~ **[20.]** K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-
36 2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-
37 1123, 25-1124, 25-1128, 25-2309, **[25-2320,]** 25-2908, 25-3002 and 65-
38 2418 are hereby repealed.

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