

*As Amended by Senate Committee*  
**[As Amended by House Committee of the Whole]**

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**As Amended by House Committee**

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*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~~; amending  
2 K.S.A. ~~25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and~~  
3 ~~25-208a, 25-2203, 25-2352 and 25-3203~~ and K.S.A. 2010 Supp. 8-  
4 1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, **[25-**  
5 **2320,]** 25-2908, 25-3002, **25-3104, 25-3107** and 65-2418 and repealing  
6 the existing sections.

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

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

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

29 (c) The division shall not issue an identification card to any person

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

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

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

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

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

38 (2) *The division shall not require or except payment of application or*  
 39 *photo fees under this subsection for any person 18 years of age or older*  
 40 *for purposes of meeting the voter ~~registration~~ **identification** requirements*  
 41 *of K.S.A. ~~25-2309~~**25-2908**, and amendments thereto. Such person shall*  
 42 *~~sign an affidavit to be submitted to the secretary of revenue stating that~~*  
 43 *~~such person plans to register to vote and that the person receives:~~*

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

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

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

10 ~~(4) Any person who signs an affidavit under paragraph (2) knowing~~  
11 ~~the information is false shall be guilty of a class C misdemeanor. : (A)~~  
12 ~~Swear under oath that such person desires an identification card in order to vote~~  
13 ~~in an election in Kansas and that such person does not possess any of the forms~~  
14 ~~of identification acceptable under K.S.A. 25-2908, and amendments thereto. The~~  
15 ~~affidavit shall specifically list the acceptable forms of identification under K.S.A.~~  
16 ~~25-2908, and amendments thereto.~~

17 ~~(B) Such person shall also produce evidence that such person is registered to~~  
18 ~~vote in Kansas.~~

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

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

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

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

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

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

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

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

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

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

1 principal residence of the cardholder as required may be issued to persons  
2 who are program participants pursuant to K.S.A. 2010 Supp. 75-455, and  
3 amendments thereto.

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

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

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

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

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

40 **(2) the name and address of the voter provided on the application**  
41 **for an advance voting ballot do not match the voter's name and**  
42 **address on the registration book.** The voter shall provide a valid form of  
43 identification as defined in subsection ~~(e) of K.S.A. 25-2908, and~~

1 ~~amendments thereto, this section~~ to the county election officer in person or  
2 provide a copy by mail or electronic means before the meeting of the  
3 county board of canvassers. At the meeting of the county board of  
4 canvassers the county election officer shall present copies of identification  
5 received from provisional voters and the corresponding provisional ballots.  
6 If the county board of canvassers determines that a voter's identification is  
7 valid and the provisional ballot was properly cast, the ballot shall be  
8 counted.

9 (e) No county election officer shall provide an advance voting ballot  
10 to a person who is requesting an advance voting ballot to be transmitted  
11 by mail unless:

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

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

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

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

43 (2) For the general election occurring on the Tuesday succeeding the

1 first Monday in November in even-numbered years, between 90 days prior  
2 to such election and the last business day of the week preceding such  
3 general election.

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

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

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

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

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

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

25 The county election officer of any county may receive applications  
26 prior to the time specified in this subsection (~~⊕~~) and hold such applications  
27 until the beginning of the prescribed application period. Such applications  
28 shall be treated as filed on that date.

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

40 An application for an advance voting ballot filed by a voter who has a  
41 temporary illness or disability or who is not proficient in reading the  
42 English language or by a person rendering assistance to such voter may be  
43 filed during the regular advance ballot application periods until the close

1 of the polls on election day.

2 The county election officer may designate places other than the central  
3 county election office as satellite advance voting sites. At any satellite  
4 advance voting site, a registered voter may obtain an application for  
5 advance voting ballots. Such ballots and instructions shall be delivered to  
6 the voter in the same manner and subject to the same limitations as  
7 otherwise provided by this subsection.

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

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

39 ~~(i)~~(j) If a person on the permanent advance voting list fails to vote in  
40 two consecutive general elections held on the Tuesday succeeding the first  
41 Monday in November of each even-numbered year, the county election  
42 officer may mail a notice to such voter. Such notice shall inform the voter  
43 that the voter's name will be removed from the permanent advance voting

1 list unless the voter renews the application for permanent advance voting  
2 status within 30 days after the notice is mailed. If the voter fails to renew  
3 such application, the county election officer shall remove the voter's name  
4 from the permanent advance voting list. Failure to renew the application  
5 for permanent advance voting status shall not result in removal of the  
6 voter's name from the voter registration list.

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

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

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

19 Affirmation of an Elector of the County of \_\_\_\_\_ and State  
20 of Kansas Desiring to Vote an Advance Voting Ballot  
21 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

22 I,  
23 \_\_\_\_\_  
24 \_\_\_\_\_

(Please print name)

25  
26  
27 do solemnly affirm under penalty of perjury that I am a qualified elector of  
28 the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on  
29 \_\_\_\_\_ street, city of \_\_\_\_\_, or in the township of  
30 \_\_\_\_\_, county of \_\_\_\_\_, and state of Kansas. My date of birth  
31 is \_\_\_\_\_ (month/day/year).

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

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



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

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

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

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

23  
24  
25

Signature of voter.

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

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

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

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

33 I, \_\_\_\_\_  
34 (Please print name)

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

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

1 I do not have a current and valid Kansas driver's license number or Kansas  
2 nondriver's identification card number, I must provide one of the  
3 following forms of identification with this application in order to receive a  
4 ballot:

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

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

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

26 \_\_\_\_\_  
27 \_\_\_\_\_

28  
29 Signature of voter.  
30

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

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

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

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

43 Sec. 4. K.S.A. 2010 Supp. 25-1123 is hereby amended to read as

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

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

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

1 voter registration list, the county election officer shall ~~not transmit an~~  
2 **transmit a provisional** advance voting ballot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ~~Sec. 7.~~ **8.** K.S.A. 2010 Supp. 25-2309 is hereby amended to read as  
 28 follows: 25-2309. (a) Any person may apply in person, by mail, through a  
 29 voter registration agency, or by other delivery to a county election officer  
 30 to be registered. Such application shall be made on: (1) A form approved  
 31 by the secretary of state, which shall be provided by a county election  
 32 officer or chief state election official upon request in person, by telephone  
 33 or in writing; or (2) the **national** mail voter registration ~~application~~  
 34 ~~prescribed by~~ **form the issued pursuant to** federal ~~law.~~ ~~election~~  
 35 ~~commission.~~ Such application shall be signed by the applicant under  
 36 penalty of perjury and shall contain the original signature of the applicant  
 37 or the computerized, electronic or digitized transmitted signature of the  
 38 applicant. A signature may be made by mark, initials, typewriter, print,  
 39 stamp, symbol or any other manner if by placing the signature on the  
 40 document the person intends the signature to be binding. A signature may  
 41 be made by another person at the voter's direction if the signature reflects  
 42 such voter's intention.

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

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

- 8 (1) Name;
- 9 (2) place of residence, including specific address or location, and  
10 mailing address if the residence address is not a permissible postal address;
- 11 (3) date of birth;
- 12 (4) sex;
- 13 (5) the last four digits of the person's social security number or the  
14 person's full driver's license or nondriver's identification card number;
- 15 (6) telephone number, if available;
- 16 (7) naturalization data (if applicable);
- 17 (8) if applicant has previously registered or voted elsewhere,  
18 residence at time of last registration or voting;
- 19 (9) when present residence established;
- 20 (10) name under which applicant last registered or voted, if different  
21 from present name;
- 22 (11) an attestation that the applicant meets each eligibility  
23 requirement;
- 24 (12) a statement that the penalty for submission of a false voter  
25 registration application is a maximum presumptive sentence of 17 months  
26 in prison;
- 27 (13) a statement that, if an applicant declines to register to vote, the  
28 fact that the applicant has declined to register will remain confidential and  
29 will be used only for voter registration purposes;
- 30 (14) a statement that if an applicant does register to vote, the office to  
31 which a voter registration application is submitted will remain confidential  
32 and will be used only for voter registration purposes;
- 33 (15) boxes for the applicant to check to indicate whether the applicant  
34 is or is not a citizen of the United States, together with the question "Are  
35 you a citizen of the United States of America?";
- 36 (16) *boxes for the county election officer or chief state election*  
37 *official to check to indicate whether the applicant has provided with the*  
38 *application the information necessary to assess the eligibility of the*  
39 *applicant, including such applicant's United States citizenship;*
- 40 (17) boxes for the applicant to check to indicate whether or not the  
41 applicant will be 18 years of age or older on election day, together with the  
42 question "Will you be 18 years of age on or before election day?";
- 43 ~~(17)~~ (18) in reference to paragraphs (15) and ~~(16)~~(17) the statement

1 "If you checked 'no' in response to either of these questions, do not  
2 complete this form.";

3 ~~(18)~~ (19) a statement that the applicant ~~may~~shall be required to  
4 provide identification when voting; and

5 ~~(19)~~ (20) political party affiliation declaration, if any. An applicant's  
6 failure to make a declaration will result in the applicant being registered as  
7 an unaffiliated voter.

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

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

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

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

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

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

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

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

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



1 may file a complaint with the Kansas Secretary of State."

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

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

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

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

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

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

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

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

1 complete the application in accordance with K.S.A. 25-2311, and  
2 amendments thereto, and be eligible to vote in the next election.

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

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

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

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

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

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

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

43 (7) **the applicant's consular report of birth abroad of a citizen of**

1 the United States of America;

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

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

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

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

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

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

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

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

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

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

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

43 (5) If the state election board finds that the evidence presented by

1 such applicant constitutes satisfactory evidence of United States  
2 citizenship, such applicant will have met the requirements under this  
3 section to provide satisfactory evidence of United States citizenship.

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

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

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

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

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

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

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

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

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

43 ~~(r)~~ **(t)** *Nothing in this section shall prohibit an applicant from*

1 providing, or the secretary of state or county election officer from  
2 obtaining satisfactory evidence of United States citizenship, as  
3 described in subsection (1), at a different time or in a different manner  
4 than an application for registration is provided, as long as the  
5 applicant's eligibility can be adequately assessed by the secretary of  
6 state or county election officer as required by this section.

7 *(u) The proof of citizenship requirements of this section shall not become*  
8 *effective until January 1, 2013.*

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

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

30 ~~Sec. 9.~~ [10.] K.S.A. 25-2352 is hereby amended to read as follows:  
31 25-2352. (a) (1) Each Kansas division of motor vehicles driver's license  
32 application and nondriver identification card application (including  
33 any renewal application) submitted to a division of motor vehicles  
34 office in Kansas shall serve as an application for voter registration  
35 unless the applicant fails to sign the voter registration application. An  
36 individual who completes the application for voter registration and is  
37 otherwise eligible shall be registered to vote in accordance with the  
38 information supplied by the individual.

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

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

43 (1) May require a second signature or other information that

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

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

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

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

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

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

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

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

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

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

43 (†) (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.~~

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

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

6 Sec. ~~12-14, 115, 111~~. K.S.A. 2010 Supp. 25-2908 is hereby amended  
7 to read as follows: 25-2908. (a) Each polling place shall use either: (1) A  
8 registration book and a poll book, as defined in K.S.A. 25-2507(a) and  
9 K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book,  
10 as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county  
11 election officer shall determine which books are used in each county, and  
12 which book voters shall sign.

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

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

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

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

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

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

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

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



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

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

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

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

40       ~~(h)~~ For the purposes of this section, "first-time voter" means a  
41 registered voter who has not previously voted in any election in the county  
42 in which the voter desires to vote. First-time voter includes a person whose  
43 name was removed from the county registration list in accordance with

1 K.S.A. 25-2316c, and amendments thereto, and has re-registered.

2 ~~(f)~~ (g) The secretary of state may adopt rules and regulations *in order*  
3 *to implement the provisions of this section and defined* defining valid forms  
4 of identification *with greater specificity, however the requirement that a*  
5 *voter must provide a form of identification that complies with the*  
6 *subsection (h) may not be altered.*

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

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

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

15 (C) *a concealed carry of handgun license issued by Kansas or a*  
16 **concealed carry of handgun or weapon license issued** *by another state*  
17 *or district of the United States;*

18 (D) *a United States passport;*

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

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

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

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

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

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

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

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

43 (2) *members of the uniformed service on active duty who, by reason*

1 *of such active duty, are absent from the county on election day;*

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

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

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

13 ~~Sec. 13. 15. 16. 12.~~ K.S.A. 2010 Supp. 25-3002 is hereby amended  
14 to read as follows: 25-3002. (a) The rules prescribed in this section shall  
15 apply to:

16 (1) The original canvass by election boards.

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

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

19 (4) All election contests.

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

22 (b) Rules for canvassers:

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

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

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

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

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

1 or issues appearing on the ballot used in the precinct in which the voter  
2 resides.

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

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

8 (B) only the name of the candidate for governor is written on the  
9 ballot.

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

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

15 (B) only the name of the candidate for president is written on the  
16 ballot.

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

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

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

28 ~~Sec. 14-16-117.13.~~ K.S.A. 2010 Supp. 65-2418 is hereby amended  
29 to read as follows: 65-2418. (a) (1) The secretary shall fix and charge by  
30 rules and regulations the fees to be paid for certified copies or abstracts of  
31 certificates or for search of the files for birth, death, fetal death, marriage  
32 or divorce records when no certified copy or abstract is made. Except as  
33 otherwise provided in this section, the secretary shall remit all moneys  
34 received by or for the secretary from fees, charges or penalties, under the  
35 uniform vital statistics act, and amendments thereto, to the state treasurer  
36 in accordance with the provisions of K.S.A. 75-4215, and amendments  
37 thereto. Upon receipt of each such remittance, the state treasurer shall  
38 deposit the entire amount in the state treasury to the credit of the civil  
39 registration and health statistics fee fund created by K.S.A. 2010 Supp. 65-  
40 2418e, and amendments thereto.

41 (2) The secretary shall not charge any fee for a certified copy of a  
42 certificate or abstract or for a search of the files or records if the certificate,  
43 abstract or search is requested by a person who exhibits correspondence

1 from the United States department of veterans affairs or the Kansas  
2 commission on veterans' affairs which indicates that the person is applying  
3 for benefits from the United States department of veterans affairs and that  
4 such person needs the requested information to obtain such benefits,  
5 except that, for a second or subsequent certified copy of a certificate,  
6 abstract or search of the files requested by the person, the usual fee shall  
7 be charged. The secretary may provide by rules and regulations for  
8 exemptions from such fees.

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

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

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

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

24 ~~(D) Any person who signs an affidavit provided in this subsection~~  
25 ~~knowing the information is false shall be guilty of a class C misdemeanor.~~  
26 ~~swear under oath: (1) That such person plans to register to vote in Kansas; and~~  
27 ~~(2) that such person does not possess any of the documents that constitute~~  
28 ~~evidence of United States citizenship under K.S.A. 25-2309(l), and amendments~~  
29 ~~thereto. The affidavit shall specifically list the documents that constitute~~  
30 ~~evidence of United States citizenship under K.S.A. 25-2309(l), and amendments~~  
31 ~~thereto.~~

32 (3)(4) Upon receipt of any such remittance of a fee for a certified  
33 copy of a birth certificate or abstract, \$3 of each such fee for the first copy  
34 of a birth certificate or abstract and \$1 of each such fee for each additional  
35 copy of the same birth certificate or abstract requested at the same time  
36 shall be remitted to the state treasurer in accordance with the provisions of  
37 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
38 remittance, the state treasurer shall deposit the entire amount in the state  
39 treasury to the credit of the permanent families account of the family and  
40 children investment fund created by K.S.A. 38-1808, and amendments  
41 thereto. The balance of the money received for a fee for a certified copy of  
42 a birth certificate or abstract shall be remitted to the state treasurer in  
43 accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of each such remittance, the state treasurer shall  
 2 deposit the entire amount in the state treasury to the credit of the civil  
 3 registration and health statistics fee fund created under this act.

4 ~~(4)~~(5) Upon receipt of any such remittance of a fee for a certified  
 5 copy of a death certificate or abstract, \$4 of each such fee for the first  
 6 certified copy of a death certificate or abstract and \$2 of each such fee for  
 7 each additional copy of the same death certificate or abstract requested at  
 8 the same time shall be remitted to the state treasurer in accordance with the  
 9 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
 10 each such remittance, the state treasurer shall deposit the entire amount in  
 11 the state treasury to the credit of the district coroners fund created by  
 12 K.S.A. 22a-245, and amendments thereto. The balance of the money  
 13 received for a fee for a certified copy of a death certificate or abstract shall  
 14 be remitted to the state treasurer in accordance with the provisions of  
 15 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
 16 remittance, the state treasurer shall deposit the entire amount in the state  
 17 treasury to the credit of the civil registration and health statistics fee fund  
 18 created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

9        *New Sec. 15. The boards of county commissioners shall designate a county*  
10 *office or department to provide assistance at no charge to any person applying*  
11 *for a birth certificate from the state registrar of vital statistics for the purpose of*  
12 *registering to vote. Such county departments shall transmit the necessary forms to*  
13 *the state registrar's office at no cost to the person applying for the birth*  
14 *certificate.*

15        *Sec. 16. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a)*  
16 *Within ~~10 days, Saturdays, Sundays and holidays not included,~~ from the date of*  
17 *the filing of nomination petitions or a declaration of intention to become a*  
18 *candidate for United States senator or representative or for state office, the*  
19 *secretary of state shall determine the validity of such petitions or declaration.*

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

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

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

39        *Sec. 17. K.S.A. 25-3203 is hereby amended to read as follows: 25-3203. If*  
40 *the secretary of state fails to receive the final abstract of the intermediate*  
41 *canvass of any national or state election from any county by the second Tuesday*  
42 *next after any election, the secretary shall dispatch a special messenger to obtain*  
43 *a copy of the same, and the county election officer shall immediately, on demand*

1 *of such messenger, make out and deliver to such messenger the copy required.*  
2 *Thereupon, the messenger shall deliver such copy to the secretary of state*  
3 *without delay. The expenses of such messenger shall be paid by the secretary of*  
4 *state, and the secretary of state shall be reimbursed therefor by such county.*

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

9 **Sec. 18. K.S.A. 2010 Supp. 25-3104 is hereby amended to read as follows:**  
10 **25-3104. The original canvass of every election shall be performed by the**  
11 **election boards at the voting places. The county election officer shall present the**  
12 **original returns, together with the ballots, books and any other records of the**  
13 **election, for the purpose of canvass, to the county board of canvassers at any**  
14 **time between 8:00 8 a.m. and 10:00 10 a.m. on the ~~Friday~~ Monday next following**  
15 **any election held on a Tuesday, except that the county election officer may move**  
16 **the canvass to the ~~Monday~~ next second Thursday following the election if notice**  
17 **is published prior to the canvass in a newspaper with general circulation in the**  
18 **county. For elections not held on a Tuesday, the canvass by the county board of**  
19 **canvassers shall be held on a day and hour designated by it, and not later than**  
20 **the fifth day following the day of such election.**

21 **Sec. 19. K.S.A. 2010 Supp. 25-3107 is hereby amended to read as follows:**  
22 **25-3107. (a) At the time of commencement of any canvass by the county board of**  
23 **canvassers the county election officer shall present to the county board of**  
24 **canvassers the preliminary abstracts of election returns, together with the ballots**  
25 **and records returned by the election boards. The county board of canvassers**  
26 **shall inspect and check the records presented by the county election officer and**  
27 **shall hear any questions which the county election officer believes appropriate**  
28 **for determination of the board. The county board of canvassers shall do what is**  
29 **necessary to obtain an accurate and just canvass of the election and shall**  
30 **finalize the preliminary abstract of election returns by making any needed**  
31 **changes, and certifying its authenticity and accuracy. The certification of the**  
32 **county board of canvassers shall be attested by the county election officer.**  
33 **Neither the county board of canvassers nor the county election officer shall open**  
34 **or unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-409,**  
35 **25-1136 and 25-1337, and amendments thereto, or other specific provision of**  
36 **law or as is authorized to carry out a recount under subsection (b).**

37 **(b) If a majority of the members of the county board of canvassers shall**  
38 **determine that there are manifest errors appearing on the face of the poll books**  
39 **of any election board, which might make a difference in the result of any**  
40 **election, or if any candidate shall request the recount of the ballots cast in all or**  
41 **in only specified voting areas for the office for which such person is a candidate,**  
42 **or if any registered elector who cast a ballot in a question submitted election**  
43 **requests a recount in all or only specified voting areas to determine the result of**



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

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

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

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

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

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

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

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

- 1           (C) *the office of members of United States house of representatives;*  
2           (D) *office of members of state senate or house of representative; and*  
3           (E) *office of members of state board of education.*

4           (2) *Whenever the election returns reflect that a candidate for office was*  
5 *defeated by one-half ½ of one percent 1% or less of the total number of votes cast*  
6 *and if such candidate requests a recount in one or more counties of the ballots,*  
7 *the state shall bear the cost of any recount performed using the method by which*  
8 *such ballots were counted originally.*

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

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

22       ~~Sec. 17. 18. 19. 20.~~ If any provision of this act is held to be  
23 unconstitutional under the United States or Kansas constitutions, that  
24 provision shall be severed from the act, and the other provisions of this act  
25 shall remain valid and in effect.

26       ~~Sec. 18. 19. 20. 21.~~ K.S.A. 25-208a, 25-2203, 25-2352, ~~25-2411,~~  
27 ~~25-2416, 25-2423 and 25-2431~~ and 25-3203 and K.S.A. 2010 Supp. 8-  
28 1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, **25-2320,**  
29 25-2908, 25-3002, **25-3104, 25-3107** and 65-2418 are hereby repealed.

30       ~~Sec. 19. 20. 21. 22.~~ This act shall take effect and be in force from  
31 and after January 1, 2012, and its publication in the statute book.