

HOUSE BILL No. 2159

By Representative Miller

1-25

1 AN ACT concerning elections; dealing with voter registration; amending
2 K.S.A. 2016 Supp. 25-2203, 25-2309 and 65-2418 and repealing the
3 existing sections; also repealing K.S.A. 2016 Supp. 25-2358.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 25-2203 is hereby amended to read as
7 follows: 25-2203. (a) There is hereby established the state election board,
8 the members of which shall be the lieutenant governor, the secretary of
9 state and the attorney general. The state election board shall meet on the
10 call of the secretary of state.

11 (b) The state election board shall:

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

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

20 ~~(3) make such additional rules and regulations as it deems advisable~~
21 relating to payment of election expenses.

22 Sec. 2. K.S.A. 2016 Supp. 25-2309 is hereby amended to read as
23 follows: 25-2309. (a) Any person may apply in person, by mail, through a
24 voter registration agency, or by other delivery to a county election officer
25 to be registered. ~~Such~~ The application shall be made on: (1) A form
26 approved by the secretary of state, which shall be provided by a county
27 election officer or chief state election official upon request in person, by
28 telephone or in writing; or (2) the national mail voter registration form
29 issued pursuant to federal law.

30 ~~Such~~The application shall be signed by the applicant under penalty of
31 perjury and shall contain the original signature of the applicant or the
32 computerized, electronic or digitized transmitted signature of the
33 applicant. A signature may be made by mark, initials, typewriter, print,
34 stamp, symbol or any other manner if by placing the signature on the
35 document the person intends the signature to be binding. A signature may
36 be made by another person at the voter's direction if the signature reflects

1 ~~such~~ *the* voter's intention.

2 (b) Applications made under this section shall give voter eligibility
3 requirements and such information as is necessary to prevent duplicative
4 voter registrations and enable the relevant election officer to assess the
5 eligibility of the applicant and to administer voter registration, including,
6 but not limited to, the following data to be kept by the relevant election
7 officer as 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~~ *the* 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 (18) in reference to paragraphs (15) and (17) the statement "If you

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

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

5 (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~~ the official of applicant's present residence and registration, and
13 authorizing cancellation of ~~such~~ the former registration. This section shall
14 be 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 the~~
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 the~~ 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 The~~ request
27 shall 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 the~~ 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 the~~ 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 subsection
38 (b)(5) has been removed or otherwise rendered unreadable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (6) ~~If the state election board finds that the evidence presented by an~~
41 ~~applicant does not constitute satisfactory evidence of United States~~
42 ~~citizenship, such applicant shall have the right to appeal such~~
43 ~~determination by the state election board by instituting an action under 8~~

1 U.S.C. § 1503. Any negative assessment of an applicant's eligibility by the
2 state election board shall be reversed if the applicant obtains a declaratory
3 judgment pursuant to 8 U.S.C. § 1503, demonstrating that such applicant is
4 a national of the United States.

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

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

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

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

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

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

29 ~~(r) (l) All documents submitted as evidence of citizenship shall be
30 kept confidential by the county election officer or the secretary of state and
31 maintained as provided by Kansas record retention laws. The provisions of
32 this subsection shall expire on July 1, 2021, unless the legislature reviews
33 and reenacts this provision prior to July 1, 2021.~~

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

36 ~~(t) Nothing in this section shall prohibit an applicant from providing,
37 or the secretary of state or county election officer from obtaining
38 satisfactory evidence of United States citizenship, as described in
39 subsection (1), at a different time or in a different manner than an
40 application for registration is provided, as long as the applicant's eligibility
41 can be adequately assessed by the secretary of state or county election
42 officer as required by this section.~~

43 Sec. 3. K.S.A. 2016 Supp. 65-2418 is hereby amended to read as

1 follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and
2 regulations the fees to be paid for certified copies or abstracts of
3 certificates or for search of the files for birth, death, fetal death, marriage
4 or divorce records when no certified copy or abstract is made. Except as
5 otherwise provided in this section, the secretary shall remit all moneys
6 received by or for the secretary from fees, charges or penalties, under the
7 uniform vital statistics act, and amendments thereto, to the state treasurer
8 in accordance with the provisions of K.S.A. 75-4215, and amendments
9 thereto. Upon receipt of each such remittance, the state treasurer shall
10 deposit the entire amount in the state treasury to the credit of the civil
11 registration and health statistics fee fund created by K.S.A. 2016 Supp. 65-
12 2418e, and amendments thereto.

13 (2) The secretary shall not charge any fee for a certified copy of a
14 certificate or abstract or for a search of the files or records if the certificate,
15 abstract or search is requested by a person who exhibits correspondence
16 from the United States department of veterans affairs or the Kansas
17 commission on veterans affairs office which indicates that the person is
18 applying for benefits from the United States department of veterans affairs
19 and that such person needs the requested information to obtain such
20 benefits, except that, for a second or subsequent certified copy of a
21 certificate, abstract or search of the files requested by the person, the usual
22 fee shall be charged. The secretary may provide by rules and regulations
23 for exemptions from such fees.

24 ~~(3) The secretary shall not charge or accept any fee for a certified~~
25 ~~copy of a birth certificate if the certificate is requested by any person who~~
26 ~~is 17 years of age or older for purposes of voting if the applicant lacks the~~
27 ~~identification required by K.S.A. 25-2908(h), and amendments thereto, or~~
28 ~~to meet the voter registration requirements of K.S.A. 25-2309, and~~
29 ~~amendments thereto. For voter registration purposes, an applicant for~~
30 ~~registration shall swear under oath: (1) That such person plans to register~~
31 ~~to vote in Kansas; and (2) that such person does not possess any of the~~
32 ~~documents that constitute evidence of United States citizenship under~~
33 ~~K.S.A. 25-2309(l), and amendments thereto. The affidavit shall~~
34 ~~specifically list the documents that constitute evidence of United States~~
35 ~~citizenship under K.S.A. 25-2309(l), and amendments thereto. The~~
36 ~~secretary shall adopt rules and regulations in order to implement the~~
37 ~~provisions of this subsection.~~

38 (4) Upon receipt of any such remittance of a fee for a certified copy
39 of a birth certificate or abstract, \$3 of each such fee for the first copy of a
40 birth certificate or abstract and \$1 of each such fee for each additional
41 copy of the same birth certificate or abstract requested at the same time
42 shall be remitted to the state treasurer in accordance with the provisions of
43 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such

1 remittance, the state treasurer shall deposit the entire amount in the state
2 treasury to the credit of the permanent families account of the family and
3 children investment fund created by K.S.A. 38-1808, and amendments
4 thereto. The balance of the money received for a fee for a certified copy of
5 a birth certificate or abstract shall be remitted to the state treasurer in
6 accordance with the provisions of K.S.A. 75-4215, and amendments
7 thereto. Upon receipt of each such remittance, the state treasurer shall
8 deposit the entire amount in the state treasury to the credit of the civil
9 registration and health statistics fee fund created under this act.

10 ~~(5)~~ (4) Upon receipt of any such remittance of a fee for a certified
11 copy of a death certificate or abstract, \$4 of each such fee for the first
12 certified copy of a death certificate or abstract and \$2 of each such fee for
13 each additional copy of the same death certificate or abstract requested at
14 the same time shall be remitted to the state treasurer in accordance with the
15 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
16 each such remittance, the state treasurer shall deposit the entire amount in
17 the state treasury to the credit of the district coroners fund created by
18 K.S.A. 22a-245, and amendments thereto. The balance of the money
19 received for a fee for a certified copy of a death certificate or abstract shall
20 be remitted to the state treasurer in accordance with the provisions of
21 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
22 remittance, the state treasurer shall deposit the entire amount in the state
23 treasury to the credit of the civil registration and health statistics fee fund
24 created by K.S.A. 2016 Supp. 65-2418e, and amendments thereto.

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

31 Sec. 4. K.S.A. 2016 Supp. 25-2203, 25-2309, 25-2358 and 65-2418
32 are hereby repealed.

33 Sec. 5. This act shall take effect and be in force from and after its
34 publication in the statute book.