

HOUSE BILL No. 2358

By Committee on Elections

2-10

1 AN ACT concerning elections; amending K.S.A. 2016 Supp. 8-1324, 25-
2 1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2203, 25-2309, 25-
3 2352, 25-2908, 25-3002 and 65-2418 and repealing the existing
4 sections; also repealing K.S.A. 2016 Supp. 25-2357, 25-2358 and 25-
5 2359.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2016 Supp. 8-1324 is hereby amended to read as
9 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
10 driver's license may make application to the division of vehicles and be
11 issued one identification card.

12 (b) For the purpose of obtaining an identification card, an applicant
13 shall submit, with the application, proof of age, proof of identity and proof
14 of lawful presence. An applicant shall submit with the application a photo
15 identity document, except that a non-photo identity document is acceptable
16 if it includes both the applicant's full legal name and date of birth, and
17 documentation showing the applicant's name, the applicant's address of
18 principal residence and the applicant's social security account number. The
19 applicant's social security number shall remain confidential and shall not
20 be disclosed, except as provided pursuant to K.S.A. 74-2014, and
21 amendments thereto. If the applicant does not have a social security
22 number, the applicant shall provide proof of lawful presence and Kansas
23 residency. The division shall assign a distinguishing number to the
24 identification card. Before issuing an identification card to a person, the
25 division shall make reasonable efforts to verify with the issuing agency the
26 issuance, validity and completeness of each document required to be
27 presented by the applicant to prove age, identity and lawful presence.

28 (c) The division shall not issue an identification card to any person
29 who fails to provide proof that the person is lawfully present in the United
30 States. If an applicant provides evidence of lawful presence as set out in
31 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
32 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)
33 (B), and amendments thereto, the division may only issue a temporary
34 identification card to the person under the following conditions: (A) A
35 temporary identification card issued pursuant to this subparagraph shall be
36 valid only during the period of time of the applicant's authorized stay in

1 the United States or, if there is no definite end to the period of authorized
2 stay, a period of one year; (B) a temporary identification card issued
3 pursuant to this subparagraph shall clearly indicate that it is temporary and
4 shall state the date upon which it expires; (C) no temporary identification
5 card issued pursuant to this subparagraph shall be for a longer period of
6 time than the time period permitted by K.S.A. 8-1325, and amendments
7 thereto; and (D) a temporary identification card issued pursuant to this
8 subparagraph may be renewed, subject at the time of renewal, to the same
9 requirements and conditions set forth in this subsection (c) for the issuance
10 of the original temporary identification card.

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

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

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

21 (g)-(h) The division shall require payment of a fee of \$14 at the time
22 application for an identification card is made, except that persons who are
23 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
24 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
25 In addition to the fees prescribed by this subsection, the division shall
26 require payment of the photo fee established pursuant to K.S.A. 8-243, and
27 amendments thereto, for the cost of the photograph to be placed on the
28 identification card.

29 ~~(2) The division shall not require or accept payment of application or~~
30 ~~photo fees under this subsection for any person 17 years of age or older for~~
31 ~~purposes of meeting the voter identification requirements of K.S.A. 25-~~
32 ~~2908, and amendments thereto. Such person shall-~~

33 ~~(A) Swear under oath that such person desires an identification card~~
34 ~~in order to vote in an election in Kansas and that such person does not~~
35 ~~possess any of the forms of identification acceptable under K.S.A. 25-~~
36 ~~2908, and amendments thereto. The affidavit shall specifically list the~~
37 ~~acceptable forms of identification under K.S.A. 25-2908, and amendments~~
38 ~~thereto; and~~

39 ~~(B) produce evidence that such person is registered to vote in Kansas.~~

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

42 (h) All Kansas identification cards shall have physical security
43 features designed to prevent tampering, counterfeiting or duplication for

1 fraudulent purposes.

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

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

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

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

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

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

10 (j) The division shall require that any person applying for an
11 identification card submit to a mandatory facial image capture. The
12 captured facial image shall be displayed on the front of the applicant's
13 identification card.

14 (k) (1) Any person who is a veteran may request that the division
15 issue to such person a nondriver identification card which shall include the
16 designation "VETERAN" displayed on the front of the nondriver
17 identification card at a location to be determined by the secretary of
18 revenue. In order to receive a nondriver identification card described in
19 this subsection, the veteran must provide proof of the veteran's military
20 service and honorable discharge or general discharge under honorable
21 conditions, including a copy of the veteran's DD214 form or equivalent.

22 (2) As used in this subsection, "veteran" means a person who:

23 (A) Has served in: The army, navy, marine corps, air force, coast
24 guard, air or army national guard or any branch of the military reserves of
25 the United States; and

26 (B) has been separated from the branch of service in which the person
27 was honorably discharged or received a general discharge under honorable
28 conditions.

29 (3) The director of vehicles may adopt any rules and regulations
30 necessary to carry out the provisions of this subsection.

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

36 (m) Upon payment of the required fee, the division shall issue to
37 every applicant qualifying under the provisions of this act an identification
38 card. Such identification card shall bear a distinguishing number assigned
39 to the cardholder, the full legal name, date of birth, address of principal
40 residence, a brief description of the cardholder, either: (1) A digital color
41 image or photograph; or (2) a laser engraved photograph of the cardholder,
42 and a facsimile of the signature of the cardholder. An identification card
43 which does not contain the address of principal residence of the cardholder

1 as required may be issued to persons who are program participants
2 pursuant to K.S.A. 2016 Supp. 75-455, and amendments thereto.

3 Sec. 2. K.S.A. 2016 Supp. 25-1122 is hereby amended to read as
4 follows: 25-1122. (a) Any registered voter may file with the county
5 election officer where the person is a resident, or where the person is
6 authorized by law to vote as a former precinct resident, an application for
7 an advance voting ballot. The signed application shall be transmitted only
8 to the county election officer by personal delivery, mail, facsimile or as
9 otherwise provided by law.

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

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

33 (d) ~~A voter may vote a provisional ballot according to K.S.A. 25-409,~~
34 ~~and amendments thereto, if:~~

35 (1) ~~The voter is unable or refuses to provide current and valid~~
36 ~~identification; or~~

37 (2) ~~the name and address of the voter provided on the application for~~
38 ~~an advance voting ballot do not match the voter's name and address on the~~
39 ~~registration book. If a first-time voter is unable or refuses to provide~~
40 ~~current and valid identification, or if the name and address do not match~~
41 ~~the voter's name and address on the registration book, the voter shall~~
42 ~~provide a valid form of identification as defined in K.S.A. 25-2908, and~~
43 ~~amendments thereto, to the county election officer in person or provide a~~

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

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

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

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

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

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

42 ~~(2) For the general election occurring on the Tuesday following the~~
43 ~~first Monday in November in both even-numbered and odd-numbered~~

1 years, between 90 days prior to such election and the last business day of
2 the week preceding such general election.

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

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

13 (5) For any special election of officers, at such time as is specified by
14 the secretary of state.

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

18 The county election officer of any county may receive applications
19 prior to the time specified in this subsection and hold such applications
20 until the beginning of the prescribed application period. Such applications
21 shall be treated as filed on that date.

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

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

38 The county election officer may designate places other than the central
39 county election office as satellite advance voting sites. At any satellite
40 advance voting site, a registered voter may obtain an application for
41 advance voting ballots. Ballots and instructions shall be delivered to the
42 voter in the same manner and subject to the same limitations as otherwise
43 provided by this subsection.

1 (†) (g) Any person having a permanent disability or an illness which
2 has been diagnosed as a permanent illness is hereby authorized to make an
3 application for permanent advance voting status. Applications for
4 permanent advance voting status shall be in the form and contain such
5 information as is required for application for advance voting ballots and
6 also shall contain information which establishes the voter's right to
7 permanent advance voting status.

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

32 (†) (i) If a person on the permanent advance voting list fails to vote in
33 four consecutive general elections held on the Tuesday succeeding the first
34 Monday in November of each even-numbered and odd-numbered year, the
35 county election officer may mail a notice to such voter. The notice shall
36 inform the voter that the voter's name will be removed from the permanent
37 advance voting list unless the voter renews the application for permanent
38 advance voting status within 30 days after the notice is mailed. If the voter
39 fails to renew such application, the county election officer shall remove the
40 voter's name from the permanent advance voting list. Failure to renew the
41 application for permanent advance voting status shall not result in removal
42 of the voter's name from the voter registration list.

43 (j) *For the purposes of this section, "first-time voter" means a*

1 registered voter who has not previously voted in any election in the county
 2 in which the voter desires to vote. "First-time voter" includes a person
 3 whose name was removed from the county registration list in accordance
 4 with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.

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

8 Sec. 3. K.S.A. 2016 Supp. 25-1122d is hereby amended to read as
 9 follows: 25-1122d. (a) The application for an advance voting ballot to be
 10 transmitted by mail shall be accompanied by an affirmation in substance as
 11 follows:

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

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

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

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

43 (2) the last four digits of my social security number; or

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

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

10 _____
 11 _____
 12 _____ Signature of voter.

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

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

17 Affirmation of an Elector of the County of _____ and State
 18 of Kansas Desiring to Vote an Advance Voting Ballot State of
 19 _____, County of _____, ss:

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

26 *I understand that if I have not previously voted in any election in this*
 27 *county and I have not previously submitted valid identification, I must*
 28 *provide one of the following forms of identification with this application in*
 29 *order to receive a ballot: A current and valid Kansas driver's license*
 30 *number or nondriver's identification card, utility bill, bank statement,*
 31 *paycheck, government check or other government document that shows my*
 32 *name and address.*

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

37 _____
 38 _____
 39 _____ Signature of voter.

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

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

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

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

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

9 Sec. 4. K.S.A. 2016 Supp. 25-1123 is hereby amended to read as

10 follows: 25-1123. (a) When an application for an advance voting ballot has
11 been filed in accordance with K.S.A. 25-1122, and amendments thereto,
12 the county election officer shall transmit to the voter applying therefor one
13 each of the appropriate ballots. ~~Unless an advance voting ballot is~~

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

42 (b) The restrictions in subsection (a) relating to where a county
43 election officer may transmit an advance voting ballot shall not apply to an

1 advance voting ballot requested pursuant to an application for an advance
2 voting ballot filed by a voter who has a temporary illness or disability or
3 who is not proficient in reading the English language.

4 (c) The county election officer shall compare the driver's license
5 number, nondriver's identification card number, *social security number* or
6 copy of other valid identification provided by a voter to the voter
7 registration list verified by the division of vehicles in accordance with
8 federal law. If no identification information was provided by the voter or if
9 such information does not match the information on the voter registration
10 list, the county election officer shall *not* transmit ~~a provisional~~ *an* advance
11 voting ballot.

12 Sec. 5. K.S.A. 2016 Supp. 25-1124 is hereby amended to read as
13 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
14 shall cast such voter's vote as follows: The voter shall make a cross or
15 check mark in the square or parentheses opposite the name of each
16 candidate or question for whom the voter desires to vote. The voter shall
17 make no other mark, and shall allow no other person to make any mark,
18 upon such ballot. If the advance voting ballot was transmitted by mail, the
19 voter personally shall place the ballot in the ballot envelope bearing the
20 same number as the ballot and seal the envelope. The voter shall complete
21 the form on the ballot envelope and shall sign the same. Except as
22 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
23 shall be mailed or otherwise transmitted to the county election officer. If
24 the advance voting ballot was transmitted to the voter in person in the
25 office of the county election officer or at a satellite advance voting site, the
26 voter may deposit such ballot into a locked ballot box without an envelope.

27 (b) Any voter who has an illness or physical disability or who is not
28 proficient in reading the English language that is unable to apply for or
29 mark or transmit an advance voting ballot, may request assistance by a
30 person who has signed a statement required by subsection (d) in applying
31 for or marking an advance voting ballot.

32 (c) Any voted ballot may be transmitted to the county election officer
33 by the voter or by another person designated in writing by the voter. Any
34 such voted ballot shall be transmitted to the county election officer before
35 the close of the polls on election day.

36 (d) The county election officer shall allow a person to assist a voter
37 who has an illness or physical disability or who is not proficient in reading
38 the English language in applying for or marking an application or advance
39 voting ballot, provided a written statement is signed by the person who
40 renders assistance to the voter who has an illness or physical disability or
41 who is not proficient in reading the English language and such statement is
42 submitted to the county election officer with the application or ballot. The
43 statement shall be on a form prescribed by the secretary of state and shall

1 contain a statement from the person providing assistance that the person
2 has not exercised undue influence on the voting decision of the voter who
3 has an illness or physical disability or who is not proficient in reading the
4 English language and that the person providing assistance has completed
5 the application or marked the ballot as instructed by the voter.

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

12 Sec. 6. K.S.A. 2016 Supp. 25-1128 is hereby amended to read as
13 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
14 county election officer more than one advance voting ballot, or set of one
15 of each kind of ballot, if the voter is entitled to vote more than one such
16 ballot at a particular election.

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

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

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

35 (e) No person, unless authorized by K.S.A. 25-1122 or ~~K.S.A. 25-~~
36 ~~1124~~, and amendments thereto, shall knowingly intercept, interfere with,
37 or delay the transmission of advance voting ballots from the county
38 election officer to the voter.

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

1 (f) *Nothing in this section shall be construed to prohibit any person*
2 *from mailing, carrying or otherwise conveying advance voting ballots or*
3 *sets of advance voting ballots to the county election officer upon request of*
4 *advance voting voters.*

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

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

14 Sec. 7. K.S.A. 2016 Supp. 25-2203 is hereby amended to read as
15 follows: 25-2203. (a) There is hereby established the state election board,
16 the members of which shall be the lieutenant governor, the secretary of
17 state and the attorney general. The state election board shall meet on the
18 call of the secretary of state.

19 (b) The state election board shall:

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

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

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

30 Sec. 8. K.S.A. 2016 Supp. 25-2309 is hereby amended to read as
31 follows: 25-2309. (a) Any person may apply in person, by mail, through a
32 voter registration agency, or by other delivery to a county election officer
33 to be registered. Such application shall be made on: (1) A form approved
34 by the secretary of state, which shall be provided by a county election
35 officer or chief state election official upon request in person, by telephone
36 or in writing; or (2) the national mail voter registration form issued
37 pursuant to federal law.

38 Such application shall be signed by the applicant under penalty of
39 perjury and shall contain the original signature of the applicant or the
40 computerized, electronic or digitized transmitted signature of the
41 applicant. A signature may be made by mark, initials, typewriter, print,
42 stamp, symbol or any other manner if by placing the signature on the
43 document the person intends the signature to be binding. A signature may

1 be made by another person at the voter's direction if the signature reflects
2 such voter's intention.

3 (b) Applications made under this section shall give voter eligibility
4 requirements and such information as is necessary to ~~prevent duplicative~~
5 ~~voter registrations and enable the relevant election officer to assess the~~
6 ~~eligibility of the applicant and to administer voter registration~~ *identifying*
7 *the applicant and to determine the qualifications of the applicant as an*
8 *elector and the facts authorizing the person to be registered*, including, but
9 not limited to, the following data to be kept by the relevant election officer
10 as provided by law:

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

1 applicant will be 18 years of age or older on election day, together with the
2 question "Will you be 18 years of age on or before election day?";

3 ~~(18)~~ (17) in reference to paragraphs (15) and ~~(17)~~ (16) the statement
4 "If you checked 'no' in response to either of these questions, do not
5 complete this form.";

6 ~~(19)~~ (18) a statement that the applicant ~~shall~~ *may* be required to
7 provide identification when voting; and

8 ~~(20)~~ (19) political party affiliation declaration, if any. An applicant's
9 failure to make a declaration will result in the applicant being registered as
10 an unaffiliated voter.

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

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

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

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

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

31 (4) if the agency provides public assistance: (i) The statement
32 "Applying to register or declining to register to vote will not affect the
33 amount of assistance that you will be provided by this agency.";

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

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

43 (iv) the statement "If you believe that someone has interfered with

1 your right to register or to decline to register to vote, your right to privacy
2 in deciding whether to register or in applying to register to vote, or your
3 right to choose your own political party or other political preference, you
4 may file a complaint with the Kansas Secretary of State."

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

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

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

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

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

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

39 (j) No application for voter registration shall be made available for
40 public inspection or copying unless the information required by subsection
41 (b)(5) has been removed or otherwise rendered unreadable.

42 (k) If an applicant fails to answer the question prescribed in
43 subsection (b)(15), the county election officer shall send the application to

1 the applicant at the postal delivery address given on the application, by
2 nonforwardable mail, with a notice of incompleteness. The notice shall
3 specify a period of time during which the applicant may complete the
4 application in accordance with K.S.A. 25-2311, and amendments thereto,
5 and be eligible to vote in the next election.

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

19 ~~(1) The applicant's driver's license or nondriver's identification card~~
20 ~~issued by the division of vehicles or the equivalent governmental agency~~
21 ~~of another state within the United States if the agency indicates on the~~
22 ~~applicant's driver's license or nondriver's identification card that the person~~
23 ~~has provided satisfactory 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 included~~
34 ~~in the registration rolls until the number of the certificate of naturalization~~
35 ~~is verified with the United States bureau of citizenship and immigration~~
36 ~~services by the county election officer or the secretary of state, pursuant to~~
37 ~~8 U.S.C. § 1373(e);~~

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;~~

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 the~~

1 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 United~~
5 ~~States department of state;~~

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

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

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

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

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

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

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

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

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

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

43 (6) ~~If the state election board finds that the evidence presented by an~~

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

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

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

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

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

22 (1) Stating the inconsistency or inconsistencies related to the name or
23 sex, and the reason therefor; and

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

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

37 (s) The secretary of state may adopt rules and regulations in order to
38 implement the provisions of this section.

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

1 can be adequately assessed by the secretary of state or county election
2 officer as required by this section.

3 Sec. 9. K.S.A. 2016 Supp. 25-2352 is hereby amended to read as
4 follows: 25-2352. (a) (1) Each Kansas division of motor vehicles driver's
5 license application and nondriver identification card application—~~(~~
6 including any renewal application~~)~~, submitted to a division of motor
7 vehicles office in Kansas shall serve as an application for voter registration
8 unless the applicant fails to sign the voter registration application. An
9 individual who completes the application for voter registration and is
10 otherwise eligible shall be registered to vote in accordance with the
11 information supplied by the individual.

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

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

16 (1) May require a second signature or other information that
17 duplicates, or is in addition to, information in the driver's license or
18 nondriver's identification card section of the application to prevent
19 duplicate voter registrations, and to enable Kansas election officials to
20 assess the eligibility of the applicant and to administer voter registration
21 and other parts of the election process;

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

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

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

33 (5) shall be made available by the division of vehicles—~~(~~ as submitted
34 by the applicant, or in machine-readable or other format~~)~~, to the secretary
35 of state and county election officers, as provided by rules and regulations
36 adopted by the secretary of state; and

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

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

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

5 (e) Following the line fixed for the signature of the applicant on the
6 application for voter registration, a statement shall be printed stating that
7 the penalty for submission of a false voter registration application is a
8 maximum presumptive sentence of 17 months in prison.

9 ~~(f) The department of revenue or an employee of the department of~~
10 ~~revenue acting within the scope of the employee's employment shall not be~~
11 ~~liable for any damages resulting from any claim based on the department~~
12 ~~of revenue's transfer of any motor vehicle record information to the~~
13 ~~secretary of state that is required or permitted by law.~~

14 ~~(g)~~ The secretary of state is hereby authorized to adopt such rules and
15 regulations in the manner prescribed by law as may be necessary for the
16 administration of the provisions of this section.

17 Sec. 10. K.S.A. 2016 Supp. 25-2908 is hereby amended to read as
18 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
19 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
20 2507(b)(1), and amendments thereto; or (2) a registration book, as defined
21 in K.S.A. 25-2507(b)(2), and amendments thereto. The county election
22 officer shall determine which books are used in each county, and which
23 book voters shall sign.

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

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

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

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

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

41 ~~(4) request a valid form of identification from the voter. If the~~
42 ~~member of the election board is satisfied that the voter is the person~~
43 ~~depicted in the identification and that the identification provided is one of~~

1 ~~the valid forms of identification listed in subsection (h), the member of the~~
2 ~~election board shall place such member's initials in the space provided and~~
3 ~~allow the voter to vote if the voter is a first-time voter as described in~~
4 ~~subsection (h), request valid identification from the voter unless such voter~~
5 ~~has previously submitted current and valid identification in the county~~
6 ~~where registered;~~

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

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

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

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

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

43 (g) A voter who has received an advance voting ballot may vote a

1 provisional ballot on election day at the precinct polling place where the
 2 voter resides. If the voter returns the advance voting ballot to a judge or
 3 clerk at the precinct polling place, the judge or clerk shall void such
 4 advance voting ballot. Any such provisional ballot shall be counted only if
 5 the county board of canvassers determines that the provisional ballot was
 6 properly cast and the voter has not otherwise voted at such election.

7 *(h) 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*
 10 *whose name was removed from the county registration list in accordance*
 11 *with K.S.A. 25-2316c, and amendments thereto, and has re-registered.*

12 ~~(g) (i) The secretary of state may adopt rules and regulations in order~~
 13 ~~to implement the provisions of this section and define valid forms of~~
 14 ~~identification with greater specificity, however the requirement that a voter~~
 15 ~~must provide a form of identification that complies with the subsection (h)~~
 16 ~~may not be altered.~~

17 ~~(h) (1) The following forms of identification shall be valid if the~~
 18 ~~identification contains the name and photograph of the voter and has not~~
 19 ~~expired. Expired documents shall be valid if the bearer of the document is~~
 20 ~~65 years of age or older:~~

21 ~~(A) A driver's license issued by Kansas or by another state or district~~
 22 ~~of the United States;~~

23 ~~(B) a state identification card issued by Kansas or by another state or~~
 24 ~~district of the United States;~~

25 ~~(C) a concealed carry of handgun license issued by Kansas or a~~
 26 ~~concealed carry of handgun or weapon license issued by another state or~~
 27 ~~district of the United States;~~

28 ~~(D) a United States passport;~~

29 ~~(E) an employee badge or identification document issued by a~~
 30 ~~municipal, county, state, or federal government office or agency;~~

31 ~~(F) a military identification document issued by the United States;~~

32 ~~(G) a student identification card issued by an accredited~~
 33 ~~postsecondary institution of education in the state of Kansas;~~

34 ~~(H) a public assistance identification card issued by a municipal,~~
 35 ~~county, state, or federal government office or agency; or~~

36 ~~(I) an identification card issued by an Indian tribe.~~

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

41 ~~(i) The following persons are exempt from the photographic~~
 42 ~~identification document requirements of this section:~~

43 ~~(1) Persons with a permanent physical disability that makes it~~

1 impossible for such persons to travel to a county or state office to obtain a
 2 qualifying form of identification and have qualified for permanent advance
 3 voting status under K.S.A. 25-1124, and amendments thereto;

4 ~~(2) members of the uniformed service on active duty who, by reason
 5 of such active duty, are absent from the county on election day;~~

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

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

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

17 (j) "Indian tribe" or "tribe" means any Indian tribe, band, nation or
 18 other organized group or community of Indians recognized as eligible for
 19 the services provided to Indians by the secretary of the interior because of
 20 their status as Indians, including any Alaska native village, as defined in
 21 43 U.S.C. § 1602(c).

22 Sec. 11. K.S.A. 2016 Supp. 25-3002 is hereby amended to read as
 23 follows: 25-3002. (a) The rules prescribed in this section shall apply to:

- 24 (1) The original canvass by election boards.
- 25 (2) Intermediate and final canvasses by county boards of canvassers.
- 26 (3) Final canvass by the state board of canvassers.
- 27 (4) All election contests.
- 28 (5) All other officers canvassing or having a part in the canvass of
 29 any election.

30 (b) Rules for canvassers:

- 31 (1) No ballot, or any portion thereof, shall be invalidated by any
 32 technical error unless it is impossible to determine the voter's intention.
 33 Determination of the voter's intention shall rest in the discretion of the
 34 board canvassing in the case of a canvass and in the election court in the
 35 case of an election contest.

36 (2) The occurrences listed in this ~~subpart (2) paragraph~~ shall not
 37 invalidate the whole ballot but shall invalidate that portion, and that
 38 portion only, in which the occurrence appears. The votes on such portion
 39 of the ballot shall not be counted for any candidate listed or written in such
 40 portion, but the remainder of the votes in other portions of the ballot shall
 41 be counted. The occurrences to which this ~~subpart (2) paragraph~~ shall
 42 apply are:

- 43 (A) Whenever a voting mark shall be made in the square at the left of

1 the name of more than one candidate for the same office, except when the
2 ballot instructs that more than one candidate is to be voted.

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

5 (3) When a registered voter has cast a provisional ballot intended for
6 a precinct other than the precinct in which the voter resides but located
7 within the same county, the canvassers shall count the votes for those
8 offices or issues which are identical in both precincts. The canvassers shall
9 not count the votes for those offices or issues which differ from the offices
10 or issues appearing on the ballot used in the precinct in which the voter
11 resides.

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

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

17 (B) only the name of the candidate for governor is written on the
18 ballot.

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

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

24 (B) only the name of the candidate for president is written on the
25 ballot.

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

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

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

36 Sec. 12. K.S.A. 2016 Supp. 65-2418 is hereby amended to read as
37 follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and
38 regulations the fees to be paid for certified copies or abstracts of
39 certificates or for search of the files for birth, death, fetal death, marriage
40 or divorce records when no certified copy or abstract is made. Except as
41 otherwise provided in this section, the secretary shall remit all moneys
42 received by or for the secretary from fees, charges or penalties, under the
43 uniform vital statistics act, and amendments thereto, to the state treasurer

1 in accordance with the provisions of K.S.A. 75-4215, and amendments
2 thereto. Upon receipt of each such remittance, the state treasurer shall
3 deposit the entire amount in the state treasury to the credit of the civil
4 registration and health statistics fee fund created by K.S.A. 2016 Supp. 65-
5 2418e, and amendments thereto.

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

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

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

1 deposit the entire amount in the state treasury to the credit of the civil
2 registration and health statistics fee fund created under this act.

3 ~~(5)~~ (4) Upon receipt of any such remittance of a fee for a certified
4 copy of a death certificate or abstract, \$4 of each such fee for the first
5 certified copy of a death certificate or abstract and \$2 of each such fee for
6 each additional copy of the same death certificate or abstract requested at
7 the same time shall be remitted to the state treasurer in accordance with the
8 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
9 each such remittance, the state treasurer shall deposit the entire amount in
10 the state treasury to the credit of the district coroners fund created by
11 K.S.A. 22a-245, and amendments thereto. The balance of the money
12 received for a fee for a certified copy of a death certificate or abstract shall
13 be remitted to the state treasurer in accordance with the provisions of
14 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
15 remittance, the state treasurer shall deposit the entire amount in the state
16 treasury to the credit of the civil registration and health statistics fee fund
17 created by K.S.A. 2016 Supp. 65-2418e, and amendments thereto.

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

24 Sec. 13. K.S.A. 2016 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-
25 1124, 25-1128, 25-2203, 25-2309, 25-2352, 25-2357, 25-2358, 25-2359,
26 25-2908, 25-3002 and 65-2418 are hereby repealed.

27 Sec. 14. This act shall take effect and be in force from and after its
28 publication in the statute book.