

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2224

By Committee on Elections

2-8

1 AN ACT concerning elections; requiring candidates for state and federal  
2 office to provide proof of citizenship; amending K.S.A. 25-202 and  
3 repealing the existing section.

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

6 Section 1. K.S.A. 25-202 is hereby amended to read as follows: 25-  
7 202. (a) Except as otherwise provided in subsection (b) all candidates for  
8 national, state, county and township offices shall be nominated by: (1) A  
9 primary election held in accordance with article 2 of chapter 25 of the  
10 Kansas Statutes Annotated and amendments thereto; or (2) independent  
11 nomination petitions signed and filed as provided by existing statutes.

12 (b) Candidates for any of such offices who are members of any  
13 political party whose candidate for governor did not poll at least 5% of the  
14 total vote cast for all candidates for governor in the preceding general  
15 election shall not be entitled to nomination by primary election but shall be  
16 nominated by a delegate or mass convention according to article 3 of  
17 chapter 25 of the Kansas Statutes Annotated and amendments thereto.

18 (c) No candidate for any national, state, county or township office  
19 shall file for office as a partisan candidate in a primary election and also  
20 file for office as an independent candidate for any national, state, county or  
21 township office in the general election immediately following.

22 (d) The provisions of article 2 of chapter 25 of the Kansas Statutes  
23 Annotated and amendments thereto shall not apply to the justices of the  
24 supreme court or to judges of the district court in judicial districts which  
25 have approved the proposition of nonpartisan selection of district court  
26 judges, as provided in K.S.A. 20-2901 and amendments thereto, nor to  
27 special elections to fill vacancies.

28 (e) *A candidate for any national or state office who seeks nomination*  
29 *by either primary election or petition pursuant to subsection (a) shall*  
30 *show proof of United States citizenship to the secretary of state in the form*  
31 *of a certified copy of the candidate's birth certificate and the candidate's*  
32 *drivers license or other government-issued identification.* **by providing a**  
33 **document or a photocopy of such document listed in paragraphs (1)**  
34 **through (13) of K.S.A. 25-2309(1), and amendments thereto, to the**  
35 **secretary of state, or by seeking an assessment of evidence of United**  
36 **States citizenship by the state election board pursuant to K.S.A. 25-**

1 **2309(m), and amendments thereto.**

2 **(f) All documents submitted as evidence of United States**  
3 **citizenship under this section shall be kept confidential pursuant to**  
4 **K.S.A. 25-2309(r), and amendments thereto.**

5 New Sec. 2. (a) The national political party committee for a  
6 candidate for president for a party that is entitled to continued  
7 representation on the ballot shall provide to the secretary of state written  
8 notice of that party's nomination of its candidates for president and vice-  
9 president. ~~Within 10 days after the submittal of the names of the~~  
10 ~~candidates, the national political party committee shall submit proof of the~~  
11 ~~candidates' United States citizenship to the secretary of state in the form of~~  
12 ~~a certified copy of the candidates' birth certificates and the candidates'~~  
13 ~~drivers licenses or other government issued identification.~~

14 ~~(b) If the national political party committee does not submit the~~  
15 ~~documents required by this section, the secretary of state shall not place~~  
16 ~~those candidates' names on the ballot in this state.~~

17 **Within 10 days after the submittal of the names of the candidates,**  
18 **the national political party committee shall submit proof that such**  
19 **candidates are natural born citizens of the United States by providing**  
20 **a document or a photocopy of such document listed in paragraphs (1)**  
21 **through (13) of K.S.A. 25-2309(l), and amendments thereto, to the**  
22 **secretary of state, or by seeking an assessment of evidence of United**  
23 **States citizenship by the state election board pursuant to K.S.A. 25-**  
24 **2309(m), and amendments thereto.**

25 **If the national political party does not submit the United States**  
26 **citizenship documents to the secretary of state or seek an assessment**  
27 **of evidence of United States citizenship by the state election board as**  
28 **required by this subsection, the secretary of state shall not place those**  
29 **candidates' names on the ballot in this state.**

30 **(b) Any person filing an independent nomination petition for the**  
31 **office of the president of the United States pursuant to K.S.A. 25-305,**  
32 **and amendments thereto, shall provide proof that such candidate is a**  
33 **natural born citizen of the United States by providing a document or a**  
34 **photocopy of such document listed in paragraphs (1) through (13) of**  
35 **K.S.A. 25-2309(l), and amendments thereto, to the secretary of state,**  
36 **or by seeking an assessment of evidence of United States citizenship by**  
37 **the state election board pursuant to K.S.A. 25-2309(m), and**  
38 **amendments thereto, within 10 days after certification of such**  
39 **candidate's nomination petition. If such candidate does not submit**  
40 **United States citizenship documents to the secretary of state or seek**  
41 **an assessment of evidence of United States citizenship by the state**  
42 **election board as required by this subsection, the secretary of state**  
43 **shall not place such candidate's name on the ballot in this state.**

1       **(c) Any person seeking write-in candidacy for the office of**  
2 **president of the United States pursuant to K.S.A. 25-305, and**  
3 **amendments thereto, shall provide proof that such person is a natural**  
4 **born citizen of the United States by providing a document or a**  
5 **photocopy of such document listed in paragraphs (1) through (13) of**  
6 **K.S.A. 25-2309(l), and amendments thereto, to the secretary of state,**  
7 **or by seeking an assessment of evidence of United States citizenship by**  
8 **the state election board pursuant to K.S.A. 25-2309(m), and**  
9 **amendments thereto, no later than 12 noon on the 2nd Monday**  
10 **preceding the general election for such office. If such person does not**  
11 **submit United States citizenship documents to the secretary of state or**  
12 **seek an assessment of evidence of United States citizenship by the state**  
13 **election board as required by this subsection, the secretary of state**  
14 **shall not place such person on the ballot in this state as a write-in**  
15 **candidate.**

16       **(d) All documents submitted as evidence of United States**  
17 **citizenship under this section shall be kept confidential pursuant to**  
18 **K.S.A. 25-2309(r), and amendments thereto.**

19       Sec. 3. K.S.A. 25-202 is hereby repealed.

20       Sec. 4. This act shall take effect and be in force from and after its  
21 publication in the statute book.  
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