

{As Amended by House Committee of the Whole}

Session of 2011

House Substitute for SENATE BILL No. 129

By Committee on Elections

3-18

1 AN ACT concerning elections; amending K.S.A. 25-321, 25-2203, {25-
2 **2311**,} 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A.
3 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128,
4 25-2309, 25-2320, 25-2908, 25-3002 and 65-2418 and repealing the
5 existing sections.
6

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

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

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

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

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

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

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

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

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

30 (2) *The division shall not require or accept payment of application or*
31 *photo fees under this subsection for any person 18 years of age or older*
32 *for purposes of meeting the voter identification requirements of K.S.A. 25-*
33 *2908, and amendments thereto. Such person shall:*

34 (A) *Swear under oath on an affidavit that such person needs an*
35 *identification card in order to vote in an election in Kansas and that such*
36 *person does not possess any of the forms of identification acceptable*
37 *under K.S.A. 25-2908, and amendments thereto. The affidavit shall*
38 *specifically list the acceptable forms of identification under K.S.A. 25-*
39 *2908, and amendments thereto; and*

40 (B) *produce evidence that such person is registered to vote in Kansas.*

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

43 (4) *Any person who signs an affidavit under paragraph (2) knowing*

1 *the information is false shall be guilty of a class C misdemeanor.*

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

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

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

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

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

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

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

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

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

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

30 Sec. 2. K.S.A. 25-321 is hereby amended to read as follows: 25-321.
31 A person appointed to the office of state representative under the
32 provisions of this act may hold the office for the remainder of the term.
33 Any person appointed to the office of senator under the provisions of this
34 act may hold the office: (a) If the vacancy occurs prior to ~~October 15~~ *May*
35 *1* of the second year of the term, until the next general election, when a
36 senator shall be elected to fill the term; or (b) if such vacancy occurs ~~after~~
37 ~~October 14~~ *on or after May 1* of the second year of the term, for the
38 remainder of the term. In cases where the appointment of a senator is until
39 the next general election, *nomination and election of such successor shall*
40 *be in the same manner as nomination and election of a senator for a*
41 *regular term. nominations for senator to be elected at such general election*
42 *shall be made as follows: (1) If the vacancy occurs prior to June 1 of the*
43 *second year of the term, candidates for the office shall be nominated at the*

1 primary in like manner as regular nominations for state senator are made;
2 and (2) if the vacancy occurs on or after June 1 and prior to October 15 of
3 the second year of the term, candidates for the office shall be nominated by
4 the senatorial district party committee of any party having a state and
5 national organization.

6 Sec. 3. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as
7 follows: 25-1122. (a) Any registered voter may file with the county
8 election officer where such person is a resident, or where such person is
9 authorized by law to vote as a former precinct resident, an application for
10 an advance voting ballot. The signed application shall be transmitted only
11 to the county election officer by personal delivery, mail, facsimile or as
12 otherwise provided by law.

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

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

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

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

42 (2) *the name and address of the voter provided on the application for*
43 *an advance voting ballot do not match the voter's name and address on the*

1 registration book. The voter shall provide a valid form of identification as
2 defined in ~~subsection (e) of this section~~ K.S.A. 25-2908, and amendments
3 thereto, to the county election officer in person or provide a copy by mail
4 or electronic means before the meeting of the county board of canvassers.
5 At the meeting of the county board of canvassers the county election
6 officer shall present copies of identification received from provisional
7 voters and the corresponding provisional ballots. If the county board of
8 canvassers determines that a voter's identification is valid and the
9 provisional ballot was properly cast, the ballot shall be counted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 filed during the regular advance ballot application periods until the close
2 of the polls on election day.

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

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

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

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

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

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

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

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

20 Affirmation of an Elector of the County of _____ and State
21 of Kansas Desiring to Vote an Advance Voting Ballot

22 State of _____, County of _____, ss:

23 I, _____

24 (Please print name)

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

30 ~~I understand that if I have not previously voted in any election in this~~
31 ~~county and I have not previously submitted valid identification, I must~~
32 ~~provide one of the following forms of identification with this application~~
33 ~~in order to receive a ballot:~~

34 ~~(1) A current and valid Kansas driver's license number or nondriver's~~
35 ~~identification card number; or~~

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

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

40 *I understand that a current and valid Kansas driver's license number*
41 *or Kansas nondriver's identification card number must be provided in*
42 *order to receive a ballot. If I do not have a current and valid Kansas*
43 *driver's license number or Kansas nondriver's identification card number,*

1 I must provide a copy of any one of the following forms of identification
2 with this application in order to receive a ballot:

3 (1) A driver's license issued by Kansas or by another state or district
4 of the United States;

5 (2) a state identification card issued by Kansas or by another state
6 or district of the United States;

7 (3) a concealed carry of handgun license issued by Kansas or a
8 concealed carry of handgun or weapon license issued by another state or
9 district of the United States;

10 (4) a United States passport;

11 (5) an employee badge or identification document issued by a
12 municipal, county, state, or federal government office or agency;

13 (6) a military identification document issued by the United States;

14 (7) a student identification card issued by an accredited
15 postsecondary institution of education in the state of Kansas; or

16 (8) a public assistance identification card issued by a municipal,
17 county, state, or federal government office or agency.

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

23 _____
24 _____

25 Signature of voter.

26

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

29

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

32 Affirmation of an Elector of the County of _____ and State
33 of Kansas Desiring to Vote an Advance Voting Ballot

34 State of _____, County of _____, ss:

35 I, _____

36 (Please print name)

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

42 I understand that if I have not previously voted in any election in this
43 county and I have not previously submitted valid identification, I must

1 ~~provide one of the following forms of identification with this application~~
2 ~~in order to receive a ballot: a current and valid Kansas driver's license or~~
3 ~~nondriver's identification card, utility bill, bank statement, paycheck,~~
4 ~~government check or other government document that shows my name~~
5 ~~and address.~~

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

10 _____
11 _____

12 Signature of voter.

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

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

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

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

26 Sec. 5. K.S.A. 2010 Supp. 25-1123 is hereby amended to read as
27 follows: 25-1123. (a) When an application for an advance voting ballot has
28 been filed in accordance with K.S.A. 25-1122, and amendments thereto,
29 the county election officer shall transmit to the voter applying therefor one
30 each of the appropriate ballots. ~~Except as provided by subsection (b),~~
31 *Unless an advance voting ballot is transmitted in person pursuant to this*
32 *subsection, the county election officer shall transmit the advance voting*
33 *ballots to the voter at one of the following addresses as specified by the*
34 *voter on such application: (1) The voter's residential address or mailing*
35 *address as indicated on the registration list; (2) the voter's temporary*
36 *residential address; or (3) a medical care facility as defined in K.S.A. 65-*
37 *425, and amendments thereto, psychiatric hospital, hospice or adult care*
38 *home where the voter resides. No advance voting ballot shall be*
39 *transmitted by the county election officer by any means prior to the* ~~20th~~
40 *{15th}* ~~day~~ *before the election for which an application for an advance*
41 *voting ballot has been received by such county election officer. If the*
42 *advance voting ballot is transmitted by mail, such ballot shall be*
43 *transmitted with printed instructions prescribed by the secretary of state*

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

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

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

30 Sec. 6. K.S.A. 2010 Supp. 25-1124 is hereby amended to read as
31 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
32 shall cast such voter's vote as follows: The voter shall make a cross or
33 check mark in the square or parentheses opposite the name of each
34 candidate or question for whom the voter desires to vote. The voter shall
35 make no other mark, and shall allow no other person to make any mark,
36 upon such ballot. If the advance voting ballot was transmitted by mail, the
37 voter personally shall place the ballot in the ballot envelope bearing the
38 same number as the ballot and seal the envelope. The voter shall complete
39 the form on the ballot envelope and shall sign the same. Except as
40 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
41 shall be mailed or otherwise transmitted to the county election officer. If
42 the advance voting ballot was transmitted to the voter in person in the
43 office of the county election officer or at a satellite advance voting site, the

1 voter may deposit such ballot into a locked ballot box without an envelope.

2 (b) ~~Any sick, physically disabled or illiterate voter who~~ *Any voter*
3 *who has an illness, physical disability or who is not proficient in reading*
4 *the English language that is unable to apply for or mark or transmit an*
5 *advance voting ballot; may request assistance by a person who has signed*
6 *a statement required by subsection (d) in applying for or marking an*
7 *advance voting ballot.*

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

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

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

36 Sec. 7. K.S.A. 2010 Supp. 25-1128 is hereby amended to read as
37 follows: 25-1128. (a) No voter shall *knowingly* mark or transmit to the
38 county election officer more than one advance voting ballot, or set of one
39 of each kind of ballot, if the voter is entitled to vote more than one such
40 ballot at a particular election.

41 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
42 no person shall *knowingly* interfere with or delay the transmission of any
43 advance voting ballot application from a voter to the county election

1 officer, nor shall any person mail, fax or otherwise cause the application to
2 be sent to a place other than the county election office. Any person or
3 group engaged in the distribution of advance voting ballot applications
4 shall mail, fax or otherwise deliver any application signed by a voter to the
5 county election office within two days after such application is signed by
6 the applicant.

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

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

16 ~~(d)(e)~~ (e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
17 1124, and amendments thereto, shall *knowingly* intercept, interfere with, or
18 delay the transmission of advance voting ballots from the county election
19 officer to the voter.

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

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

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

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

38 Sec. 8. K.S.A. 25-2203 is hereby amended to read as follows: 25-
39 2203. (a) There is hereby established the state election board, the
40 members of which shall be the lieutenant governor, the secretary of state
41 and the attorney general. The state election board shall meet on the call of
42 the secretary of state.

43 (b) The state election board shall:

1 (1) Adopt rules and regulations for determination of apportionment of
2 election expenses among the subdivisions of government. Such rules and
3 regulations shall identify and define the election expenses which are direct
4 and those which are indirect, or shall define sufficient means of making
5 determination thereof;

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

9 (3) the state election board shall make such additional rules and
10 regulations as it deems advisable relating to payment of election expenses.

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

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

- 35 (1) Name;
36 (2) place of residence, including specific address or location, and
37 mailing address if the residence address is not a permissible postal address;
38 (3) date of birth;
39 (4) sex;
40 (5) the last four digits of the person's social security number or the
41 person's full driver's license or nondriver's identification card number;
42 (6) telephone number, if available;
43 (7) naturalization data (if applicable);

1 (8) if applicant has previously registered or voted elsewhere,
2 residence at time of last registration or voting;

3 (9) when present residence established;

4 (10) name under which applicant last registered or voted, if different
5 from present name;

6 (11) an attestation that the applicant meets each eligibility
7 requirement;

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

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

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

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

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

24 ~~(16)~~(17) boxes for the applicant to check to indicate whether or not
25 the applicant will be 18 years of age or older on election day, together with
26 the question "Will you be 18 years of age on or before election day?";

27 ~~(17)~~(18) in reference to paragraphs (15) and ~~(16)~~(17) the statement
28 "If you checked 'no' in response to either of these questions, do not
29 complete this form.";

30 ~~(18)~~(19) a statement that the applicant ~~may~~ shall be required to
31 provide identification when voting; and

32 ~~(19)~~(20) political party affiliation declaration, if any. An applicant's
33 failure to make a declaration will result in the applicant being registered as
34 an unaffiliated voter.

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

- 1 (c) Any person who applies for registration through a voter
2 registration agency shall be provided with, in addition to the application
3 under subsection (b), a form which includes:
- 4 (1) The question "If you are not registered to vote where you live
5 now, would you like to apply to register to vote here today?";
- 6 (2) a statement that if the applicant declines to register to vote, this
7 decision will remain confidential and be used only for voter registration
8 purposes;
- 9 (3) a statement that if the applicant does register to vote, information
10 regarding the office to which the application was submitted will remain
11 confidential and be used only for voter registration purposes; and
- 12 (4) if the agency provides public assistance, (i) the statement
13 "Applying to register or declining to register to vote will not affect the
14 amount of assistance that you will be provided by this agency.";
- 15 (ii) boxes for the applicant to check to indicate whether the applicant
16 would like to register or declines to register to vote, together with the
17 statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
18 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE
19 AT THIS TIME.";
- 20 (iii) the statement "If you would like help in filling out the voter
21 registration application form, we will help you. The decision whether to
22 seek or accept help is yours. You may fill out the application form in
23 private."; and
- 24 (iv) the statement "If you believe that someone has interfered with
25 your right to register or to decline to register to vote, your right to privacy
26 in deciding whether to register or in applying to register to vote, or your
27 right to choose your own political party or other political preference, you
28 may file a complaint with the Kansas Secretary of State."
- 29 (d) If any person, in writing, declines to register to vote, the voter
30 registration agency shall maintain the form prescribed by subsection (c).
- 31 (e) A voter registration agency shall transmit the completed
32 registration application to the county election officer not later than five
33 days after the date of acceptance. Upon receipt of an application for
34 registration, the county election officer shall send, by nonforwardable
35 mail, a notice of disposition of the application to the applicant at the postal
36 delivery address shown on the application. If a notice of disposition is
37 returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-
38 2316c, and amendments thereto, shall occur.
- 39 (f) If an application is received while registration is closed, such
40 application shall be considered to have been received on the next
41 following day during which registration is open.
- 42 (g) A person who completes an application for voter registration shall
43 be considered a registered voter when the county election officer adds the

1 applicant's name to the county voter registration list.

2 (h) Any registered voter whose residence address is not a permissible
3 postal delivery address shall designate a postal address for registration
4 records. When a county election officer has reason to believe that a voter's
5 registration residence is not a permissible postal delivery address, the
6 county election officer shall attempt to determine a proper mailing address
7 for the voter.

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

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

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

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

42 (1) *The applicant's driver's license or nondriver's identification card*
43 *issued by the division of vehicles or the equivalent governmental agency of*

1 another state within the United States if the agency indicates on the
2 applicant's driver's license or nondriver's identification card that the
3 person has provided satisfactory proof of United States citizenship;

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

7 (3) pertinent pages of the applicant's United States valid or expired
8 passport identifying the applicant and the applicant's passport number; or
9 presentation to the county election officer of the applicant's United States
10 passport;

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

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

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

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

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

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

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

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

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

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

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

42 (1) Any applicant seeking an assessment of evidence under this
43 subsection may directly contact the elections division of the secretary of

1 *state by submitting a voter registration application or form as described*
2 *by this section and any supporting evidence of United States citizenship.*
3 *Upon receipt of this information, the secretary of state shall notify the*
4 *state election board, as established under K.S.A. 25-2203, and*
5 *amendments thereto, that such application is pending.*

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

11 (3) *The state election board shall assess the evidence provided by the*
12 *applicant to determine whether the applicant has provided satisfactory*
13 *evidence of United States citizenship. A decision of the state election board*
14 *shall be determined by a majority vote of the election board.*

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

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

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

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

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

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

41 (q) *All documents submitted as evidence of citizenship shall be kept*
42 *confidential by the county election officer or the secretary of state and*
43 *maintained as provided by Kansas record retention laws. The provisions of*

1 *this subsection shall expire on July 1, 2016, unless the legislature reviews*
2 *and reenacts this provision pursuant to K.S.A. 45-229, and amendments*
3 *thereto, prior to July 1, 2016.*

4 (r) *The secretary of state may adopt rules and regulations in order to*
5 *implement the provisions of this section.*

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

13 **{Sec. 10. K.S.A. 25-2311 is hereby amended to read as follows: 25-**
14 **2311. (a) County election officers shall provide for the registration of**
15 **voters at one or more places on all days except the following:**

16 **(1) Days when the main offices of the county government are**
17 **closed for business, except as is otherwise provided by any county**
18 **election officer under the provisions of K.S.A. 25-2312 and**
19 **amendments thereto;**

20 **(2) days when the main offices of the city government are closed**
21 **for business, in the case of deputy county election officers who are city**
22 **clerks except as is otherwise provided by any county election officer**
23 **under the provisions of K.S.A. 25-2312 and amendments thereto;**

24 **(3) the ~~1419~~ days preceding the day of primary and general state**
25 **elections;**

26 **(4) the ~~1419~~ days preceding the day of primary city and school**
27 **elections, if either has a primary;**

28 **(5) the ~~1419~~ days preceding each first Tuesday in April of odd-**
29 **numbered years, being the day of city and school general elections;**

30 **(6) the ~~1419~~ days preceding the day of any election other than one**
31 **specified in paragraphs (3), (4) and (5) of this subsection; and**

32 **(7) the day of any primary or general election or any question**
33 **submitted election.**

34 **(b) For the purposes of this section in counting days that**
35 **registration books are to be closed, all of the days including Sunday**
36 **and legal holidays shall be counted.**

37 **(c) The secretary of state shall notify every county election officer**
38 **of the dates when registration shall be closed preceding primary and**
39 **general state, city and school elections. The days so specified by the**
40 **secretary of state shall be conclusive. Such notice shall be given by the**
41 **secretary of state by mail at least 60 days preceding every primary**
42 **and general state, city and school election.**

43 **(d) The last days before closing of registration books as directed**

1 by the secretary of state under subsection (c) of this section, county
2 election officers shall provide for registration of voters during regular
3 business hours, during the noon hours and at other than regular
4 business hours upon such days as the county election officers deem
5 necessary. The last three business days before closing of registration
6 books prior to state primary and general elections, county election
7 officers may provide for registration of voters until 9:00 p.m. in cities
8 of the first and second class.

9 (e) County election officers shall accept and process applications
10 received by voter registration agencies and the division of motor
11 vehicles not later than the ~~15th~~20th day preceding the date of any
12 election; mailed voter registration applications that are postmarked
13 not later than the ~~15th~~20th day preceding the date of any election; or,
14 if the postmark is illegible or missing, is received in the mail not later
15 than the ninth day preceding the day of any election.

16 (f) The secretary of state may adopt rules and regulations
17 interpreting the provisions of this section and specifying the days
18 when registration shall be open, days when registration shall be
19 closed, and days when it is optional with the county election officer for
20 registration to be open or closed.

21 (g) Before each primary and general election held in even-
22 numbered years, and at times and in a form prescribed by the
23 secretary of state, each county election officer shall certify to the
24 secretary of state the number of registered voters in each precinct of
25 the county as shown by the registration books in the office of such
26 county election officer.}

27 ~~Sec. 11.~~ {11.} K.S.A. 2010 Supp. 25-2320 is hereby amended to read
28 as follows: 25-2320. (a) The county election officer shall allow access to
29 any person at any time during regular business hours, under supervision of
30 the county election officer for the purpose of examining the voter
31 registration books, active voter lists and other lists of voters required to be
32 kept. Any person may make a written request for a copy of the registration
33 books at any time except on any election day. The election officer is
34 hereby directed to provide one or more copies which are accurate insofar
35 as practicable of such books to the person so requesting. The election
36 officer shall provide such copies to the person within 10 days following
37 the request if so requested. The expense of making such copies shall be
38 paid by the person requesting them. The cost of copies shall be established
39 by the county election officer at a price which is not more than the actual
40 cost and shall be set uniformly in order that the price therefor shall be the
41 same for all persons requesting identical copies.

42 (b) No voter registration record shall be made available for public
43 inspection or copying unless the individual's social security number,

1 *driver's license number, nondriver's identification card number* or any part
2 thereof, has been removed or otherwise been rendered unreadable.

3 Sec. ~~11~~ {12.} K.S.A. 25-2352 is hereby amended to read as follows:
4 25-2352. (a) (1) Each Kansas division of motor vehicles driver's license
5 application and nondriver identification card application (including any
6 renewal application) submitted to a division of motor vehicles office in
7 Kansas shall serve as an application for voter registration unless the
8 applicant fails to sign the voter registration application. An individual who
9 completes the application for voter registration and is otherwise eligible
10 shall be registered to vote in accordance with the information supplied by
11 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
15 and regulations in the manner prescribed by law as may be necessary for
16 the administration of the provisions of this section.

17 Sec. ~~12~~ {13.} K.S.A. 25-2411 is hereby amended to read as follows:
18 25-2411. Election perjury is intentionally and knowingly falsely swearing,
19 affirming, declaring or subscribing to any of the following: (a) Statements
20 in answer to questions put to a person who has been challenged as
21 unqualified to vote.

22 (b) Statements in answer to questions put to a witness concerning the
23 qualifications of any person to vote.

24 (c) Statements contained in any affidavit *or declaration* which is
25 prescribed by chapter 25 of the Kansas Statutes Annotated or any other
26 election law of the state, or which is prescribed in any manner by the
27 secretary of state or any county election officer under the election laws of
28 this state.

29 (d) Statements in answer to questions put by a county election officer
30 or deputy county election officer relating to application for voter
31 registration of any person.

32 (e) Statements in answer to questions put by an election board
33 member to a person asking for voter assistance because of age, visual
34 handicap, lack of proficiency in reading the English language or physical
35 disability.

36 (f) Statements of any witness at an election contest.

37 Election perjury is a severity level 9 8, nonperson felony.

38 Sec. ~~13~~ {14.} K.S.A. 25-2416 is hereby amended to read as follows:
39 25-2416. (a) Voting without being qualified is knowingly ~~and willfully~~
40 (a) :

41 (1) Voting or attempting to vote ~~at~~ *in* any election *district* when not a
42 lawfully registered voter: *in such election district*;

43 (2) *voting or attempting to vote at any election by a person who is not*

1 *a citizen of the United States or who does not otherwise meet the*
2 *qualifications of an elector.*

3 ~~(b) Voting or offering to vote more than once at the same election.~~

4 ~~(c) Inducing or aiding any person to vote more than once at the same~~
5 ~~election.~~

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

8 Sec. ~~14.~~ **{15.}** K.S.A. 25-2423 is hereby amended to read as follows:
9 25-2423.

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

12 (b) Election tampering is a severity level 8 7, nonperson felony.

13 Sec. ~~15.~~ **{16.}** K.S.A. 25-2431 is hereby amended to read as follows:
14 25-2431.

15 (a) False impersonation of a voter is representing oneself as another
16 ~~and thereas~~ *person whether real or fictitious and thereby* voting or
17 attempting to vote.

18 (b) False impersonation of a voter is a severity level 9 8, nonperson
19 felony.

20 Sec. ~~16.~~ **{17.}** K.S.A. 2010 Supp. 25-2908 is hereby amended to read
21 as follows: 25-2908. (a) Each polling place shall use either: (1) A
22 registration book and a poll book, as defined in K.S.A. 25-2507(a) and
23 K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book,
24 as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county
25 election officer shall determine which books are used in each county, and
26 which book voters shall sign.

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

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

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

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

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

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

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

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

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

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

37 ~~(f)~~(e) If the name of any person desiring to vote at an election is not
38 in the registration books, an election board member shall print the name
39 and address of the person appearing to vote in the registration book or poll
40 book. The person appearing to vote shall add such person's signature to the
41 registration book or poll book beside such person's printed name, as listed
42 in the registration book or poll book, and the election board judge shall
43 challenge such person's vote pursuant to K.S.A. 25-414, and amendments

1 thereto. During the pendency of a challenge other voters shall be given
2 ballots and be permitted to vote.

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

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

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

20 (h) (1) *The following forms of identification shall be valid if the*
21 *identification contains the name and photograph of the voter and has not*
22 *expired. Expired documents shall be valid if the bearer of the document is*
23 *65 years of age or older:*

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

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

28 (C) *a concealed carry of handgun license issued by Kansas or a*
29 *concealed carry of handgun or weapon license issued by another state or*
30 *district of the United States;*

31 (D) *a United States passport;*

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

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

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

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

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

43 (i) *The following persons are exempt from the photographic*

1 *identification document requirements of this section:*

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

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

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

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

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

19 ~~Sec. 17.~~ {18.} K.S.A. 2010 Supp. 25-3002 is hereby amended to read
20 as follows: 25-3002. (a) The rules prescribed in this section shall apply to:

21 (1) The original canvass by election boards.

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

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

24 (4) All election contests.

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

27 (b) Rules for canvassers:

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

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

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

43 (B) Whenever a voting mark is placed in the square at the left of a

1 space where no candidate is listed.

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

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

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

14 (B) only the name of the candidate for governor is written on the
15 ballot.

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

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

21 (B) only the name of the candidate for president is written on the
22 ballot.

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

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

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

34 Sec. ~~48~~ {19.} K.S.A. 2010 Supp. 65-2418 is hereby amended to read
35 as follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and
36 regulations the fees to be paid for certified copies or abstracts of
37 certificates or for search of the files for birth, death, fetal death, marriage
38 or divorce records when no certified copy or abstract is made. Except as
39 otherwise provided in this section, the secretary shall remit all moneys
40 received by or for the secretary from fees, charges or penalties, under the
41 uniform vital statistics act, and amendments thereto, to the state treasurer
42 in 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 by K.S.A. 2010 Supp. 65-
3 2418e, and amendments thereto.

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

15 (3) *The secretary shall not charge or accept any fee for a certified*
16 *copy of a birth certificate if the certificate is requested by any person who*
17 *is 18 years of age or older for purposes of meeting the voter registration*
18 *requirements of K.S.A. 25-2309, and amendments thereto. Such person*
19 *shall swear under oath on an affidavit that such person plans to register to*
20 *vote in Kansas and does not possess any of the documents that constitute*
21 *evidence of United States citizenship pursuant to K.S.A. 25-2309(l), and*
22 *amendments thereto. The affidavit shall specifically list the documents that*
23 *constitute evidence of United States citizenship pursuant to K.S.A. 25-*
24 *2309(l), and amendments thereto.*

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

40 (4)(5) Upon receipt of any such remittance of a fee for a certified
41 copy of a death certificate or abstract, \$4 of each such fee for the first
42 certified copy of a death certificate or abstract and \$2 of each such fee for
43 each additional copy of the same death certificate or abstract requested at

1 the same time shall be remitted to the state treasurer in accordance with the
2 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
3 each such remittance, the state treasurer shall deposit the entire amount in
4 the state treasury to the credit of the district coroners fund created by
5 K.S.A. 22a-245, and amendments thereto. The balance of the money
6 received for a fee for a certified copy of a death certificate or abstract shall
7 be remitted to the state treasurer in accordance with the provisions of
8 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
9 remittance, the state treasurer shall deposit the entire amount in the state
10 treasury to the credit of the civil registration and health statistics fee fund
11 created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

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

14 *(7) The secretary shall adopt rules and regulations in order to*
15 *implement the provisions of this subsection.*

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

22 ~~New Sec. 19.~~ **{20.}** (a) The duty and independent authority to
23 appear in any court having jurisdiction within the state of Kansas and
24 prosecute or defend on behalf of the people all actions and proceedings,
25 civil or criminal, related to any election law shall be vested in:

26 (1) The district or county attorney of the county where such
27 violations occurred;

28 (2) the Kansas attorney general; or

29 (3) the Kansas secretary of state.

30 (b) If one of the officers listed in section (a) has commenced a
31 prosecution or proceeding related to any election law, the other officers
32 listed in section (a) may provide assistance to the prosecuting officer but
33 may not commence a separate prosecution or proceeding.

34 ~~New Sec. 20.~~ **{21.}** (a) Voting more than once is knowingly:

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

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

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

39 ~~New Sec. 21.~~ **{22.}** If any provision of this act is held to be
40 unconstitutional under the United States or Kansas constitutions, that
41 provision shall be severed from the act, and the other provisions of this act
42 shall remain valid and in effect.

43 ~~Sec. 22.~~ **{23.}** K.S.A. 25-321, 25-2203, ~~{25-2311,}~~ 25-2352, 25-2411,

1 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122,
2 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-2908, 25-
3 3002 and 65-2418 are hereby repealed.

4 Sec. ~~23~~ {24.} This act shall take effect and be in force from and after
5 January 1, 2012, and its publication in the statute book.

6