

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2224

As Amended by House Committee on Elections

Brief*

HB 2224 would require all candidates for national or state office to provide proof of U.S. citizenship.

Any candidate for any national or state office who is nominated *via* primary election or by an independent nomination petition would be required to provide a document, or photocopy of a document, listed in the statute requiring proof of citizenship of persons registering to vote for the first time in Kansas, or by seeking an assessment of evidence by the State Election Board. The list of acceptable documents which may be provided as evidence includes:

- Driver's license or nondriver's ID card issued by the appropriate agency in any state in the United States, if the agency indicates on the license or nondriver's ID card the person has provided satisfactory proof of U.S. citizenship;
- Birth certificate that verifies U.S. citizenship to the satisfaction of the county election officer or Secretary of State;
- Pertinent pages of a U.S. valid or expired passport;
- Naturalization documents or the number of the naturalization certificate, with further verification requirements if only the number is provided;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Other documents or methods of proof of U.S. citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952 (including its amendments);
- Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;
- Consular Report of Birth Abroad of a Citizen of the United States of America;
- Certificate of Citizenship issued by the U.S. Citizenship and Immigration Services;
- Certification of Report of Birth issued by the U.S. Department of State;
- American Indian Card issued by the U.S. Department of Homeland Security with the classification "KIC";
- Final adoption decree showing the applicant's name and U.S. birthplace;
- Official U.S. military record of service showing the applicant's birthplace in the U.S.; or
- An extract from a U.S. hospital birth record, created at the time of a U.S. born applicant's birth, indicating the U.S. birthplace.

Candidates for the office of President and Vice President of the United States would be required to show proof of natural-born citizenship. The national political party committee would be required to submit proof that presidential and vice presidential candidates are natural-born citizens by using the same documentation options as for other candidates for national or state office (see list, above, in addition to the option to seek an assessment of the evidence by the State Election Board). Any person filing an independent presidential nomination petition, as well as any

write-in presidential candidate, would be required to submit his or her own documentation using the same options as listed above. The bill would prohibit the Secretary of State from placing the candidate's name on the ballot if citizenship documentation is not provided or an assessment of the evidence by the State Election Board was not requested.

Finally, the bill would require that all documents submitted as evidence of citizenship be kept confidential.

Background

The original bill was supported by a representative of the Secretary of State's Office and by a private citizen. The Secretary of State representative indicated support of requiring any candidate for national or state office to show proof of U.S. citizenship. The private citizen urged adoption of an amendment regarding proof of residency for presidential candidates.

The House Committee on Elections amended the bill to change the documentation required to show proof of citizenship, so naturalized citizens could run for office in those offices for which this is constitutionally allowed. Language adding a similar requirement for independent and write-in candidates also was included.

According to the fiscal note, passage of the original bill would have no fiscal effect on state revenues or expenditures.