

## HOUSE BILL No. 2145

By Representative Ward

1-27

1 AN ACT concerning elections; enacting the help Kansas vote act;  
2 amending the crime of perjury; amending K.S.A. 2014 Supp. 21-5903  
3 and 25-2309 and repealing the existing sections.  
4

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

6 Section 1. K.S.A. 2014 Supp. 21-5903 is hereby amended to read as  
7 follows: 21-5903. (a) Perjury is intentionally and falsely:

8 (1) Swearing, testifying, affirming, declaring or subscribing to any  
9 material fact upon any oath or affirmation legally administered in any  
10 cause, matter or proceeding before any court, tribunal, public body, notary  
11 public or other officer authorized to administer oaths; or

12 (2) subscribing as true and correct under penalty of perjury any  
13 material matter in any declaration, verification, certificate or statement as  
14 permitted by K.S.A. 53-601, and amendments thereto.

15 (b) Perjury is a:

16 (1) Severity level 9, nonperson felony, except as provided in  
17 subsection (b)(2); ~~and~~

18 (2) severity level 7, nonperson felony if the false statement is made  
19 upon the trial of a felony charge; *and*

20 (3) *subscribing as true and correct under penalty of perjury the*  
21 *affidavit as provided in K.S.A. 25-2309(m)(2), and amendments thereto.*

22 Sec. 2. K.S.A. 2014 Supp. 25-2309 is hereby amended to read as  
23 follows: 25-2309. (a) *This section shall be known and may be cited as the*  
24 *"help Kansas vote act."*

25 (b) Any person may apply in person, by mail, through a voter  
26 registration agency, or by other delivery to a county election officer to be  
27 registered. Such application shall be made on: (1) A form approved by the  
28 secretary of state, which shall be provided by a county election officer or  
29 chief state election official upon request in person, by telephone or in  
30 writing; or (2) the national mail voter registration form issued pursuant to  
31 federal law. Such application shall be signed by the applicant under  
32 penalty of perjury and shall contain the original signature of the applicant  
33 or the computerized, electronic or digitized transmitted signature of the  
34 applicant. A signature may be made by mark, initials, typewriter, print,  
35 stamp, symbol or any other manner if by placing the signature on the  
36 document the person intends the signature to be binding. A signature may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 ~~(iv)~~ (D) the statement "If you believe that someone has interfered  
42 with your right to register or to decline to register to vote, your right to  
43 privacy in deciding whether to register or in applying to register to vote, or

1 your right to choose your own political party or other political preference,  
2 you may file a complaint with the Kansas Secretary of State."

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

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

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

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

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

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

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

42 ~~(k)~~ (l) If an applicant fails to answer the question prescribed in  
43 ~~paragraph (15)~~ of subsection ~~(b)~~ (c)(15), the county election officer shall

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

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

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

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

27 (3) pertinent pages of the applicant's United States valid or expired  
28 passport identifying the applicant and the applicant's passport number, or  
29 presentation to the county election officer of the applicant's United States  
30 passport;

31 (4) the applicant's United States naturalization documents or the  
32 number of the certificate of naturalization. If only the number of the  
33 certificate of naturalization is provided, the applicant shall not be included  
34 in the registration rolls until the number of the certificate of naturalization  
35 is verified with the United States bureau of citizenship and immigration  
36 services by the county election officer or the secretary of state, pursuant to  
37 8 U.S.C. § 1373(c);

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

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

43 (7) the applicant's consular report of birth abroad of a citizen of the

1 United States of America;

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

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

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

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

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

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

15 (14) *a signed affidavit swearing under oath the following: "I am a*  
16 *United States citizen. I meet the eligibility requirements of my state and*  
17 *subscribe to any oath required. The information I have provided is true to*  
18 *the best of my knowledge under penalty of perjury. If I have provided false*  
19 *information, I may be fined, imprisoned or (if not a U.S. citizen) deported*  
20 *from or refused entry to the United States." Note: The crime of perjury is a*  
21 *severity level 9, nonperson felony.*

22 ~~(m)~~ (n) If an applicant is a United States citizen but does not have any  
23 of the documentation listed in this section as satisfactory evidence of  
24 United States citizenship, such applicant may submit any evidence that  
25 such applicant believes demonstrates the applicant's United States  
26 citizenship.

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

34 (2) The state election board shall give the applicant an opportunity for  
35 a hearing and an opportunity to present any additional evidence to the state  
36 election board. Notice of such hearing shall be given to the applicant at  
37 least five days prior to the hearing date. An applicant shall have the  
38 opportunity to be represented by counsel at such hearing.

39 (3) The state election board shall assess the evidence provided by the  
40 applicant to determine whether the applicant has provided satisfactory  
41 evidence of United States citizenship. A decision of the state election  
42 board shall be determined by a majority vote of the election board.

43 (4) If an applicant submits an application and any supporting

1 evidence prior to the close of registration for an election cycle, a  
2 determination by the state election board shall be issued at least five days  
3 before such election date.

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

8 (6) If the state election board finds that the evidence presented by an  
9 applicant does not constitute satisfactory evidence of United States  
10 citizenship, such applicant shall have the right to appeal such  
11 determination by the state election board by instituting an action under 8  
12 U.S.C. § 1503. Any negative assessment of an applicant's eligibility by the  
13 state election board shall be reversed if the applicant obtains a declaratory  
14 judgment pursuant to 8 U.S.C. § 1503, demonstrating that such applicant is  
15 a national of the United States.

16 (⊕) (o) Any person who is registered in this state on the effective date  
17 of this amendment to this section is deemed to have provided satisfactory  
18 evidence of citizenship and shall not be required to resubmit evidence of  
19 citizenship.

20 (⊕) (p) For purposes of this section, proof of voter registration from  
21 another state is not satisfactory evidence of United States citizenship.

22 (⊕) (q) A registered Kansas voter who moves from one residence to  
23 another within the state of Kansas or who modifies such voter's  
24 registration records for any other reason shall not be required to submit  
25 evidence of United States citizenship.

26 (⊕) (r) If evidence of citizenship is deemed to be unsatisfactory due to  
27 an inconsistency between the document submitted as evidence and the  
28 name or sex provided on the application for registration, such applicant  
29 may sign an affidavit:

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

32 (2) swearing under oath that, despite the inconsistency, the applicant  
33 is the individual reflected in the document provided as evidence of  
34 citizenship. However, there shall be no inconsistency between the date of  
35 birth on the document provided as evidence of citizenship and the date of  
36 birth provided on the application for registration. If such an affidavit is  
37 submitted by the applicant, the county election officer or secretary of state  
38 shall assess the eligibility of the applicant without regard to any  
39 inconsistency stated in the affidavit.

40 (⊕) (s) All documents submitted as evidence of citizenship shall be  
41 kept confidential by the county election officer or the secretary of state and  
42 maintained as provided by Kansas record retention laws. The provisions of  
43 this subsection shall expire on July 1, 2016, unless the legislature reviews

1 and reenacts this provision pursuant to K.S.A. 45-229, and amendments  
2 thereto, prior to July 1, 2016.

3 ~~(s)~~ (t) The secretary of state may adopt rules and regulations ~~to~~ in  
4 order to implement the provisions of this section.

5 ~~(t)~~ (u) Nothing in this section shall prohibit an applicant from  
6 providing, or the secretary of state or county election officer from  
7 obtaining satisfactory evidence of United States citizenship, as described  
8 in subsection ~~(t)~~ (m), at a different time or in a different manner than an  
9 application for registration is provided, as long as the applicant's eligibility  
10 can be adequately assessed by the secretary of state or county election  
11 officer as required by this section.

12 ~~(u) The proof of citizenship requirements of this section shall not~~  
13 ~~become effective until January 1, 2013.~~

14 Sec. 3. K.S.A. 2014 Supp. 21-5903 and 25-2309 are hereby repealed.

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