

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2007

HOUSE BILL No. 2019

By Representatives Burgess, Powers and Sawyer

1-8

12 AN ACT concerning elections; relating to advance voting; ~~amending~~
13 ~~K.S.A. 2006 Supp. 25-1122 and repealing the existing section~~ **pertain-**
14 **ing to presentation of photographic identification at time of vot-**
15 **ing; [pertaining to the operation of election boards;] amending**
16 **K.S.A. [25-2810 and K.S.A.] 2006 Supp. 25-1122, 25-1123, 25-**
17 **2309, 25-2908 and 25-3002 and repealing the existing sections.**
18

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

20 ~~Section 1. K.S.A. 2006 Supp. 25-1122 is hereby amended to read as~~
21 ~~follows: 25-1122. (a) Any registered voter may file with the county elec-~~
22 ~~tion officer where such person is a resident, or where such person is~~
23 ~~authorized by law to vote as a former precinct resident, an application for~~
24 ~~an advance voting ballot. The signed application shall be transmitted only~~
25 ~~to the county election officer by personal delivery, mail, facsimile or as~~
26 ~~otherwise provided by law.~~

27 ~~—(b)— If the registered voter is applying for an advance voting ballot to~~
28 ~~be transmitted in person, and such voter is a first-time voter, such voter~~
29 ~~shall provide a form of valid identification such as a current and valid~~
30 ~~Kansas driver's license, nondriver's identification card, utility bill, bank~~
31 ~~statement, paycheck, government check or other government document~~
32 ~~containing the voter's current name and address as indicated on the reg-~~
33 ~~istration book. Such voter shall not be required to provide identification~~
34 ~~if such voter has previously provided current and valid identification in~~
35 ~~the county where registered.~~

36 ~~—(c)— If the registered voter is applying for an advance voting ballot to~~
37 ~~be transmitted by mail, and such voter is a first-time voter, such voter~~
38 ~~shall provide on the application for an advance voting ballot the voter's~~
39 ~~current and valid Kansas driver's license number, nondriver's identifica-~~
40 ~~tion card number or the last four digits of the voter's social security num-~~
41 ~~ber, or shall provide with the application a copy of the voter's current and~~
42 ~~valid Kansas driver's license, nondriver's identification card, utility bill,~~
43 ~~bank statement, paycheck, government check or other government doc-~~

1 ~~ument containing the voter's current name and address as indicated on~~
2 ~~the registration book. Such voter shall not be required to provide identi-~~
3 ~~fication if such voter has previously provided current and valid identi-~~
4 ~~fication in the county where registered.~~
5 ~~—(d) If a first-time voter is unable or refuses to provide current and~~
6 ~~valid identification, or if the name and address do not match the voter's~~
7 ~~name and address on the registration book, the voter may vote a provi-~~
8 ~~sional ballot according to K.S.A. 25-409, and amendments thereto. The~~
9 ~~voter shall provide a valid form of identification as defined in subsection~~
10 ~~(c) of this section to the county election officer in person or provide a~~
11 ~~copy by mail or electronic means before the meeting of the county board~~
12 ~~of canvassers. At the meeting of the county board of canvassers the county~~
13 ~~election officer shall present copies of identification received from pro-~~
14 ~~visional voters and the corresponding provisional ballots. If the county~~
15 ~~board of canvassers determines that a voter's identification is valid and~~
16 ~~the provisional ballot was properly cast, the ballot shall be counted.~~
17 ~~—(e) Applications for advance voting ballots to be transmitted to the~~
18 ~~voter by mail shall be filed only at the following times:~~
19 ~~—(1) For the primary election occurring on the first Tuesday in August~~
20 ~~in even-numbered years, between April 1 of such year and the last busi-~~
21 ~~ness day of the week preceding such primary election.~~
22 ~~—(2) For the general election occurring on the Tuesday succeeding the~~
23 ~~first Monday in November in even-numbered years, between 90 days~~
24 ~~prior to such election and the last business day of the week preceding~~
25 ~~such general election.~~
26 ~~—(3) For the primary election held five weeks preceding the first Tues-~~
27 ~~day in April, between January 1 of the year of such election and the last~~
28 ~~business day of the week preceding such primary election.~~
29 ~~—(4) For the general election occurring on the first Tuesday in April,~~
30 ~~between January 1 of the year of such election and the last business day~~
31 ~~of the week preceding such general election.~~
32 ~~—(5) For question submitted elections occurring on the date of a pri-~~
33 ~~mary or general election, the same as is provided for ballots for election~~
34 ~~of officers at such election.~~
35 ~~—(6) For question submitted elections not occurring on the date of a~~
36 ~~primary or general election, between the time of the first published notice~~
37 ~~thereof and the last business day of the week preceding such question~~
38 ~~submitted election, except that if the question submitted election is held~~
39 ~~on a day other than a Tuesday, the county election officer shall determine~~
40 ~~the final date for mailing of advance voting ballots, but such date shall~~
41 ~~not be more than three business days before such election.~~
42 ~~—(7) For any special election of officers, at such time as is specified by~~
43 ~~the secretary of state.~~

1 ~~—(8) For the presidential preference primary, between January 1 of~~
2 ~~the year in which such primary is held and the last business day of the~~
3 ~~week preceding such primary election.~~
4 ~~—The county election officer of any county may receive applications prior~~
5 ~~to the time specified in this subsection (c) and hold such applications~~
6 ~~until the beginning of the prescribed application period. Such applications~~
7 ~~shall be treated as filed on that date.~~
8 ~~—(f) Unless an earlier date is designated by the county election officer,~~
9 ~~applications for advance voting ballots transmitted to the voter in person~~
10 ~~in the office of the county election officer shall be filed on the Tuesday~~
11 ~~next preceding the election and on each subsequent business day until~~
12 ~~no later than 12:00 noon on the day preceding such election. If the county~~
13 ~~election officer so provides, applications for advance voting ballots trans-~~
14 ~~mitted to the voter in person in the office of the county election officer~~
15 ~~also may be filed on the Saturday preceding the election. Upon receipt~~
16 ~~of any such properly executed application, the county election officer shall~~
17 ~~deliver to the voter such ballots and instructions as are provided for in~~
18 ~~this act.~~
19 ~~—An application for an advance voting ballot filed by a voter who has a~~
20 ~~temporary illness or disability or who is not proficient in reading the~~
21 ~~English language or by a person rendering assistance to such voter may~~
22 ~~be filed during the regular advance ballot application periods until the~~
23 ~~close of the polls on election day.~~
24 ~~—In any county having a population exceeding 250,000, The county elec-~~
25 ~~tion officer may designate places other than the central county election~~
26 ~~office as satellite advance voting sites. At any satellite advance voting site,~~
27 ~~a registered voter may obtain an application for advance voting ballots,~~
28 ~~such ballots and instructions shall be delivered to the voter in the same~~
29 ~~manner and subject to the same limitations as otherwise provided by this~~
30 ~~subsection.~~
31 ~~—(g) Any person having a permanent disability or an illness which has~~
32 ~~been diagnosed as a permanent illness is hereby authorized to make an~~
33 ~~application for permanent advance voting status. Applications for per-~~
34 ~~manent advance voting status shall be in the form and contain such in-~~
35 ~~formation as is required for application for advance voting ballots and also~~
36 ~~shall contain information which establishes the voter's right to permanent~~
37 ~~advance voting status.~~
38 ~~—(h) On receipt of any application filed under the provisions of this~~
39 ~~section, the county election officer shall prepare and maintain in such~~
40 ~~officer's office a list of the names of all persons who have filed such~~
41 ~~applications, together with their correct post office address and the pre-~~
42 ~~inct, ward, township or voting area in which such persons claim to be~~
43 ~~registered voters or to be authorized by law to vote as former precinct~~

~~1 residents and the present resident address of each applicant. Such names
2 and addresses shall remain so listed until the day of such election. The
3 county election officer shall maintain a separate listing of the names and
4 addresses of persons qualifying for permanent advance voting status. All
5 such lists shall be available for inspection upon request in compliance
6 with this subsection by any registered voter during regular business hours.
7 The county election officer upon receipt of such applications shall enter
8 upon a record kept by such officer the name and address of each appli-
9 cant, which record shall conform to the list above required. Before in-
10 spection of any advance voting ballot application list, the person desiring
11 to make such inspection shall provide to the county election officer identi-
12 fication in the form of driver's license or other reliable identification and
13 shall sign a log book or application form maintained by such officer stating
14 such person's name and address and showing the date and time of in-
15 spection. All records made by the county election officer shall be subject
16 to public inspection, except that the voter identification information re-
17 quired by subsections (b) and (c) and the identifying number on ballots
18 and ballot envelopes and records of such numbers shall not be made
19 public.~~

~~20 (i) If a person on the permanent advance voting list fails to vote in
21 two consecutive general elections held on the Tuesday succeeding the
22 first Monday in November of each even-numbered year, the county elec-
23 tion officer may mail a notice to such voter. Such notice shall inform the
24 voter that the voter's name will be removed from the permanent advance
25 voting list unless the voter renews the application for permanent advance
26 voting status within 30 days after the notice is mailed. If the voter fails to
27 renew such application, the county election officer shall remove the
28 voter's name from the permanent advance voting list. Failure to renew
29 the application for permanent advance voting status shall not result in
30 removal of the voter's name from the voter registration list.~~

~~31 (j) For the purposes of this section, "first-time voter" means a reg-
32 istered voter who has not previously voted in any election in the county
33 in which the voter desires to vote. First-time voter includes a person
34 whose name was removed from the county registration list in accordance
35 with K.S.A. 25-2316c, and amendments thereto, and who has re-
36 registered.~~

~~37 (k) The secretary of state may adopt rules and regulations defining
38 valid forms of identification.~~

~~39 Sec. 2. K.S.A. 2006 Supp. 25-1122 is hereby repealed.~~

40 Section 1. K.S.A. 2006 Supp. 25-1122 is hereby amended to
41 read as follows: 25-1122. (a) Any registered voter may file with the
42 county election officer where such person is a resident, or where
43 such person is authorized by law to vote as a former precinct resi-

1 **dent, an application for an advance voting ballot. The signed ap-**
2 **plication shall be transmitted only to the county election officer by**
3 **personal delivery, mail, facsimile or as otherwise provided by law.**

4 **(b) If the registered voter is applying for an advance voting bal-**
5 **lot to be transmitted in person,** and such voter is a first-time voter,
6 **such voter shall provide** a form of valid identification such as a current
7 and valid Kansas driver's license, nondriver's identification card, utility
8 bill, bank statement, paycheck, government check or other government
9 document containing the voter's current name and address as indicated
10 on the registration book. Such voter shall not be required to provide
11 identification if such voter has previously provided current and valid identi-
12 fication in the county where registered. **to the election officer: (1) The**
13 **voter's name; (2) if required, the voter's address; (3) the voter's signature**
14 **on the registration book; and (4) a current and valid form of identification**
15 **listed in subsection (i) of K.S.A. 25-2908 and amendments thereto. A cur-**
16 **rent and valid form of identification listed in subsection (i) of K.S.A. 25-**
17 **2908, and amendments thereto, shall be presented in addition to any other**
18 **form of identification required pursuant to this section. A signature may**
19 **be made by mark, initials, typewriter, print, stamp, symbol or any other**
20 **manner if by placing the signature on the document the person intends**
21 **the signature to be binding. A signature may be made by another person**
22 **at the voter's direction if the signature reflects such voter's intention.**

23 **The election officer shall compare the voter's signature on the registra-**
24 **tion book with the signature on the photographic identification provided**
25 **by the voter. If the election official is satisfied as to the identity of the**
26 **voter, the election official shall provide to the voter an advance voting**
27 **ballot. If the photographic identification does not contain the signature**
28 **of the voter, an additional form of identification that provides the voter's**
29 **signature shall be required from the voter. The additional form of iden-**
30 **tification shall comply with the provisions of subsection (i) of K.S.A. 25-**
31 **2908 and amendments thereto.**

32 **(c) If the registered voter is applying for an advance voting bal-**
33 **lot to be transmitted by mail,** and such voter is a first-time voter, **such**
34 **voter shall provide on the application for an advance voting ballot**
35 **the voter's current and valid Kansas driver's license number, non-**
36 **driver's identification card number or the last four digits of the**
37 **voter's social security number, or shall provide with the application**
38 **a copy of the voter's current and valid Kansas driver's license, non-**
39 **driver's identification card,** utility bill, bank statement, paycheck, gov-
40 ernment check or other government document containing the voter's
41 **current name and address as indicated on the registration book.**
42 Such voter shall not be required to provide identification if such voter
43 has previously provided current and valid identification in the county

1 ~~where registered.~~

2 *(d) If a first-time voter is unable or refuses to provide current*
3 *and valid identification, or if the name and address do not match*
4 *the voter's name and address on the registration book, the voter*
5 *may vote a provisional ballot according to K.S.A. 25-409, and*
6 *amendments thereto. The voter shall provide a valid form of iden-*
7 *tification as defined in subsection (c) of this section to the county*
8 *election officer in person or provide a copy by mail or electronic*
9 *means before the meeting of the county board of canvassers. At the*
10 *meeting of the county board of canvassers the county election of-*
11 *ficer shall present copies of identification received from provisional*
12 *voters and the corresponding provisional ballots. If the county*
13 *board of canvassers determines that a voter's identification is valid*
14 *and the provisional ballot was properly cast, the ballot shall be*
15 *counted.*

16 *(e) Applications for advance voting ballots to be transmitted to*
17 *the voter by mail shall be filed only at the following times:*

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

21 *(2) For the general election occurring on the Tuesday succeed-*
22 *ing the first Monday in November in even-numbered years, between*
23 *90 days prior to such election and the last business day of the week*
24 *preceding such general election.*

25 *(3) For the primary election held five weeks preceding the first*
26 *Tuesday in April, between January 1 of the year of such election*
27 *and the last business day of the week preceding such primary*
28 *election.*

29 *(4) For the general election occurring on the first Tuesday in*
30 *April, between January 1 of the year of such election and the last*
31 *business day of the week preceding such general election.*

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

35 *(6) For question submitted elections not occurring on the date*
36 *of a primary or general election, between the time of the first pub-*
37 *lished notice thereof and the last business day of the week preceding*
38 *such question submitted election, except that if the question sub-*
39 *mitted election is held on a day other than a Tuesday, the county*
40 *election officer shall determine the final date for mailing of advance*
41 *voting ballots, but such date shall not be more than three business*
42 *days before such election.*

43 *(7) For any special election of officers, at such time as is spec-*

1 *ified by the secretary of state.*

2 (8) *For the presidential preference primary, between January 1*
3 *of the year in which such primary is held and the last business day*
4 *of the week preceding such primary election.*

5 *The county election officer of any county may receive applica-*
6 *tions prior to the time specified in this subsection (e) and hold such*
7 *applications until the beginning of the prescribed application pe-*
8 *riod. Such applications shall be treated as filed on that date.*

9 (f) *Unless an earlier date is designated by the county election*
10 *office, applications for advance voting ballots transmitted to the*
11 *voter in person in the office of the county election officer shall be*
12 *filed on the Tuesday next preceding the election and on each sub-*
13 *sequent business day until no later than 12:00 noon on the day*
14 *preceding such election. If the county election officer so provides,*
15 *applications for advance voting ballots transmitted to the voter in*
16 *person in the office of the county election officer also may be filed*
17 *on the Saturday preceding the election. Upon receipt of any such*
18 *properly executed application, the county election officer shall del-*
19 *iver to the voter such ballots and instructions as are provided for*
20 *in this act.*

21 *An application for an advance voting ballot filed by a voter who*
22 *has a temporary illness or disability or who is not proficient in*
23 *reading the English language or by a person rendering assistance*
24 *to such voter may be filed during the regular advance ballot appli-*
25 *cation periods until the close of the polls on election day.*

26 ~~In any county having a population exceeding 250,000,~~ *The county*
27 *election officer may designate places other than the central county*
28 *election office as satellite advance voting sites. At any satellite ad-*
29 *vance voting site, a registered voter may obtain an application for*
30 *advance voting ballots, such ballots and instructions shall be deliv-*
31 *ered to the voter in the same manner and subject to the same limi-*
32 *tations as otherwise provided by this subsection.*

33 (g) *Any person having a permanent disability or an illness*
34 *which has been diagnosed as a permanent illness is hereby author-*
35 *ized to make an application for permanent advance voting status.*
36 *Applications for permanent advance voting status shall be in the*
37 *form and contain such information as is required for application*
38 *for advance voting ballots and also shall contain information which*
39 *establishes the voter's right to permanent advance voting status.*

40 (h) *On receipt of any application filed under the provisions of*
41 *this section, the county election officer shall prepare and maintain*
42 *in such officer's office a list of the names of all persons who have*
43 *filed such applications, together with their correct post office ad-*

1 *dress and the precinct, ward, township or voting area in which such*
2 *persons claim to be registered voters or to be authorized by law to*
3 *vote as former precinct residents and the present resident address*
4 *of each applicant. Such names and addresses shall remain so listed*
5 *until the day of such election. The county election officer shall*
6 *maintain a separate listing of the names and addresses of persons*
7 *qualifying for permanent advance voting status. All such lists shall*
8 *be available for inspection upon request in compliance with this*
9 *subsection by any registered voter during regular business hours.*
10 *The county election officer upon receipt of such applications shall*
11 *enter upon a record kept by such officer the name and address of*
12 *each applicant, which record shall conform to the list above re-*
13 *quired. Before inspection of any advance voting ballot application*
14 *list, the person desiring to make such inspection shall provide to the*
15 *county election officer identification in the form of driver's license*
16 *or other reliable identification and shall sign a log book or appli-*
17 *cation form maintained by such officer stating such person's name*
18 *and address and showing the date and time of inspection. All records*
19 *made by the county election officer shall be subject to public in-*
20 *spection, except that the voter identification information required*
21 *by subsections (b) and (c) and the identifying number on ballots*
22 *and ballot envelopes and records of such numbers shall not be made*
23 *public.*

24 *(i) If a person on the permanent advance voting list fails to vote*
25 *in two consecutive general elections held on the Tuesday succeeding*
26 *the first Monday in November of each even-numbered year, the*
27 *county election officer may mail a notice to such voter. Such notice*
28 *shall inform the voter that the voter's name will be removed from*
29 *the permanent advance voting list unless the voter renews the ap-*
30 *plication for permanent advance voting status within 30 days after*
31 *the notice is mailed. If the voter fails to renew such application, the*
32 *county election officer shall remove the voter's name from the per-*
33 *manent advance voting list. Failure to renew the application for*
34 *permanent advance voting status shall not result in removal of the*
35 *voter's name from the voter registration list.*

36 *(j) For the purposes of this section, "first-time voter" means a reg-*
37 *istered voter who has not previously voted in any election in the county*
38 *in which the voter desires to vote. First-time voter includes a person*
39 *whose name was removed from the county registration list in accordance*
40 *with K.S.A. 25-2316c, and amendments thereto, and who has re-*
41 *registered.*

42 ~~*(k) The secretary of state may adopt rules and regulations de-*~~
43 ~~*fining valid forms of identification.*~~

- 1 (k) *The following persons are exempt from the identification require-*
2 *ments of this section:*
- 3 (1) *Persons 65 years of age or older;*
4 (2) *persons with a temporary or permanent physical disability;*
5 (3) *members of the uniformed service on active duty who, by reason*
6 *of such active duty, are absent from the county on election day;*
7 (4) *members of the merchant marine who, by reason of service in the*
8 *merchant marine, are absent from the county on election day;*
9 (5) *the spouse or dependent of a member referred to in paragraph (3)*
10 *or (4) who, by reason of the active duty or service of the member, is absent*
11 *from the county on election day; and*
12 (6) *persons currently residing outside the United States who are eli-*
13 *gible to vote in Kansas.*

14 **Sec. 2. K.S.A. 2006 Supp. 25-1123 is hereby amended to read**
15 **as follows: 25-1123. (a) When an application for an advance voting**
16 **ballot has been filed in accordance with K.S.A. 25-1122, and amend-**
17 **ments thereto, the county election officer shall transmit to the voter**
18 **applying therefor one each of the appropriate ballots. Except as**
19 **provided by subsection (b), the county election officer shall trans-**
20 **mit the advance voting ballots to the voter at one of the following**
21 **addresses as specified by the voter on such application: (1) The**
22 **voter's residential address or mailing address as indicated on the**
23 **registration list; (2) the voter's temporary residential address; or**
24 **(3) a medical care facility as defined in K.S.A. 65-425, and amend-**
25 **ments thereto, psychiatric hospital, hospice or adult care home**
26 **where the voter resides. No advance voting ballot shall be trans-**
27 **mitted by the county election officer by any means prior to the 20th**
28 **day before the election for which an application for an advance**
29 **voting ballot has been received by such county election officer. If**
30 **the advance voting ballot is transmitted by mail, such ballot shall**
31 **be transmitted with printed instructions prescribed by the secretary**
32 **of state and a ballot envelope bearing upon the outside a printed**
33 **form as described in K.S.A. 25-1120, and amendments thereto, and**
34 **the same number as the number of the ballot. If the advance voting**
35 **ballot is transmitted to the applicant in person in the office of the**
36 **county election officer or at a satellite advance voting site, such**
37 **advance voting ballot and printed instructions shall be transmitted**
38 **in an advance voting ballot envelope bearing upon the outside a**
39 **printed form as described in K.S.A. 25-1120, and amendments**
40 **thereto, and the same number as the number of the ballot unless**
41 **the voter elects to deposit the advance voting ballot into a locked**
42 **ballot box without an envelope. All ballots shall be transmitted to**
43 **the advance voting voter not more than 20 days before the election**

1 *but within two business days of the receipt of such voter's appli-*
2 *cation by the election officer or the commencement of such 20-day*
3 *period. In primary elections required to be conducted on a partisan*
4 *basis, the election officer shall deliver to such voter the ballot of*
5 *the political party of the applicant.*

6 (b) *The restrictions in subsection (a) relating to where a county*
7 *election officer may transmit an advance voting ballot shall not ap-*
8 *ply to an advance voting ballot requested pursuant to an applica-*
9 *tion for an advance voting ballot filed by a voter who has a tem-*
10 *porary illness or disability or who is not proficient in reading the*
11 *English language.*

12 (c) *The county election officer shall compare the driver's license*
13 *number, nondriver's identification card number, ~~social security num-~~*
14 *ber or copy of other valid identification provided by a first-time voter to*
15 *the voter registration list verified by the division of motor vehicles in*
16 *accordance with federal law or other government document containing*
17 *the voter's current name and address as indicated on the registration*
18 *book. If no identification information was provided by the first-time*
19 *voter, or if such information does not match the information on the*
20 *voter registration list, the county election officer shall not transmit*
21 *an advance voting ballot.*

22 (d) *The following persons are exempt from the identification require-*
23 *ments of this section:*

- 24 (1) *Persons 65 years of age or older;*
- 25 (2) *persons with a temporary or permanent physical disability;*
- 26 (3) *members of the uniformed service on active duty who, by reason*
27 *of such active duty, are absent from the county on election day;*
- 28 (4) *members of the merchant marine who, by reason of service in the*
29 *merchant marine, are absent from the county on election day;*
- 30 (5) *the spouse or dependent of a member referred to in paragraph (3)*
31 *or (4) who, by reason of the active duty or service of the member, is absent*
32 *from the county on election day; and*
- 33 (6) *persons currently residing outside the United States who are eli-*
34 *gible to vote in Kansas.*

35 **Sec. 3. K.S.A. 2006 Supp. 25-2309 is hereby amended to read**
36 **as follows: 25-2309. (a) Any person may apply in person, by mail,**
37 **through a voter registration agency, or by other delivery to a county**
38 **election officer to be registered. Such application shall be made on:**
39 **(1) A form approved by the secretary of state, which shall be pro-**
40 **vided by a county election officer or chief state election official**
41 **upon request in person, by telephone or in writing; or (2) the mail**
42 **voter registration application prescribed by the federal election**
43 **commission. Such application shall be signed by the applicant un-**

1 *der penalty of perjury and shall contain the original signature of*
2 *the applicant or the computerized, electronic or digitized transmit-*
3 *ted signature of the applicant. A signature may be made by mark,*
4 *initials, typewriter, print, stamp, symbol or any other manner if by*
5 *placing the signature on the document the person intends the sig-*
6 *nature to be binding. A signature may be made by another person*
7 *at the voter's direction if the signature reflects such voter's*
8 *intention.*

9 *(b) Applications made under this section shall give voter eligi-*
10 *bility requirements and such information as is necessary to identify*
11 *the applicant and to determine the qualifications of the applicant*
12 *as an elector and the facts authorizing such person to be registered,*
13 *including, but not limited to, the following data:*

14 *(1) Name;*

15 *(2) place of residence, including specific address or location,*
16 *and mailing address if the residence address is not a permissible*
17 *postal address;*

18 *(3) date of birth;*

19 *(4) sex;*

20 *(5) the last four digits of the person's social security number or*
21 *the person's full driver's license or nondriver's identification card*
22 *number;*

23 *(6) telephone number, if available;*

24 *(7) naturalization data (if applicable);*

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

27 *(9) when present residence established;*

28 *(10) name under which applicant last registered or voted, if dif-*
29 *ferent from present name;*

30 *(11) an attestation that the applicant meets each eligibility*
31 *requirement;*

32 *(12) a statement that the penalty for submission of a false voter*
33 *registration application is a maximum presumptive sentence of 17*
34 *months in prison;*

35 *(13) a statement that, if an applicant declines to register to vote,*
36 *the fact that the applicant has declined to register will remain con-*
37 *fidential and will be used only for voter registration purposes;*

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

42 *(15) boxes for the applicant to check to indicate whether the*
43 *applicant is or is not a citizen of the United States, together with*

1 *the question “Are you a citizen of the United States of America?”;*
2 *(16) boxes for the applicant to check to indicate whether or not*
3 *the applicant will be 18 years of age or older on election day, to-*
4 *gether with the question “Will you be 18 years of age on or before*
5 *election day?”;*

6 *(17) in reference to paragraphs (15) and (16) the statement “If*
7 *you checked ‘no’ in response to either of these questions, do not*
8 *complete this form.”;*

9 *(18) a statement that the applicant may be required to provide*
10 *identification when voting; and*

11 *(19) political party affiliation declaration, if any. An applicant’s*
12 *failure to make a declaration will result in the applicant being reg-*
13 *istered as an unaffiliated voter.*

14 *If the application discloses any previous registration in any other*
15 *county or state, as indicated by paragraph (8) or (10), or otherwise,*
16 *the county election officer shall upon the registration of the appli-*
17 *cant, give notice to the election official of the place of former reg-*
18 *istration, notifying such official of applicant’s present residence and*
19 *registration, and authorizing cancellation of such former*
20 *registration.*

21 *(c) Any person who applies for registration through a voter reg-*
22 *istration agency shall be provided with, in addition to the appli-*
23 *cation under subsection (b), a form which includes:*

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

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

29 *(3) a statement that if the applicant does register to vote, infor-*
30 *mation regarding the office to which the application was submitted*
31 *will remain confidential and be used only for voter registration pur-*
32 *poses; and*

33 *(4) if the agency provides public assistance, (i) the statement*
34 *“Applying to register or declining to register to vote will not affect*
35 *the amount of assistance that you will be provided by this agency.”;*

36 *(ii) boxes for the applicant to check to indicate whether the ap-*
37 *plicant would like to register or declines to register to vote, together*
38 *with the statement “IF YOU DO NOT CHECK EITHER BOX, YOU*
39 *WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGIS-*
40 *TER TO VOTE AT THIS TIME.”;*

41 *(iii) the statement “If you would like help in filling out the voter*
42 *registration application form, we will help you. The decision*
43 *whether to seek or accept help is yours. You may fill out the appli-*

1 *cation form in private.”; and*

2 *(iv) the statement “If you believe that someone has interfered*
3 *with your right to register or to decline to register to vote, your*
4 *right to privacy in deciding whether to register or in applying to*
5 *register to vote, or your right to choose your own political party or*
6 *other political preference, you may file a complaint with the Kansas*
7 *Secretary of State.”*

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

11 *(e) A voter registration agency shall transmit the completed reg-*
12 *istration application to the county election officer not later than*
13 *five days after the date of acceptance. Upon receipt of an applica-*
14 *tion for registration, the county election officer shall send, by non-*
15 *forwardable mail, a notice of disposition of the application to the*
16 *applicant at the postal delivery address shown on the application.*
17 *If a notice of disposition is returned as undeliverable, a confirma-*
18 *tion mailing prescribed by K.S.A. 25-2316c, and amendments*
19 *thereto, shall occur.*

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

23 *(g) A person who completes an application for voter registration*
24 *shall be considered a registered voter when the county election of-*
25 *ficer adds the applicant’s name to the county voter registration list.*

26 *(h) Any registered voter whose residence address is not a per-*
27 *missible postal delivery address shall designate a postal address for*
28 *registration records. When a county election officer has reason to*
29 *believe that a voter’s registration residence is not a permissible*
30 *postal delivery address, the county election officer shall attempt to*
31 *determine a proper mailing address for the voter.*

32 *(i) Any registered voter may request that such person’s resi-*
33 *dence address be concealed from public inspection on the voter reg-*
34 *istration list and on the original voter registration application form.*
35 *Such request shall be made in writing to the county election officer,*
36 *and shall specify a clearly unwarranted invasion of personal pri-*
37 *vacancy or a threat to the voter’s safety. Upon receipt of such a request,*
38 *the county election officer shall take appropriate steps to ensure*
39 *that such person’s residence address is not publicly disclosed. Noth-*
40 *ing in this subsection shall be construed as requiring or authorizing*
41 *the secretary of state to include on the voter registration application*
42 *form a space or other provision on the form that would allow the*
43 *applicant to request that such applicant’s residence address be con-*

1 **cealed from public inspection.**

2 **(j) No application for voter registration shall be made available**
3 **for public inspection or copying unless the information required by**
4 **paragraph (5) of subsection (b) has been removed or otherwise ren-**
5 **dered unreadable.**

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

14 **(1) Applications made under this section by any individual who reg-**
15 **isters to vote in this state for the first time on or after July 1, 2007, must**
16 **be accompanied by documentary proof of citizenship in the United States**
17 **of America. In the case of a voter making an application by mail, the voter**
18 **must enclose a copy of a document proving such voter's citizenship in the**
19 **United States of America with such voter's application. Once a voter has**
20 **provided valid proof of citizenship, such voter shall not be required to**
21 **provide proof of citizenship again unless the voter re-registers because**
22 **such voter moved to another state and subsequently returns to this state**
23 **or is removed from the Kansas voter registration lists. Any of the following**
24 **documents shall be sufficient to establish that the applicant is a citizen of**
25 **the United States of America:**

26 **(1) A United States passport;**

27 **(2) a birth certificate indicating that the applicant was born in the**
28 **United States of America; or**

29 **(3) a document issued by the federal government indicating that the**
30 **applicant is a naturalized U.S. citizen.**

31 **Sec. 4. K.S.A. 2006 Supp. 25-2908 is hereby amended to read**
32 **as follows: 25-2908. (a) Each polling place shall use either: (1) A**
33 **registration book and a poll book, as defined in K.S.A. 25-2507(a)**
34 **and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a regis-**
35 **tration book, as defined in K.S.A. 25-2507(b)(2), and amendments**
36 **thereto. The county election officer shall determine which books**
37 **are used in each county, and which book voters shall sign.**

38 **(b) A person desiring to vote shall provide to the election board:**
39 **(1) the voter's name; (2) if required, the voter's address; and (3) the**
40 **voter's signature on the registration or poll book; and (4) a current**
41 **and valid form of identification listed in subsection (i). A current and**
42 **valid form of identification listed in subsection (i) shall be presented in**
43 **addition to any other form of identification required pursuant to this**

- 1 *section. A signature may be made by mark, initials, typewriter,*
2 *print, stamp, symbol or any other manner if by placing the signature*
3 *on the document the person intends the signature to be binding. A*
4 *signature may be made by another person at the voter's direction*
5 *if the signature reflects such voter's intention.*
- 6 (c) *A member of the election board shall:*
- 7 (1) *Announce the voter's name in a loud and distinct tone of*
8 *voice, and, if the name is in the registration books, the member of*
9 *the election board having the registration record shall repeat the*
10 *name;*
- 11 (2) *request the voter's signature on the registration or poll book;*
- 12 (3) *provide the required signature at the request of and on be-*
13 *half of any voter who is unable to personally affix a signature by*
14 *reason of temporary illness or disability, or lack of proficiency in*
15 *reading the English language;*
- 16 (4) ~~*if the voter is a first-time voter as described in subsection (h) of*~~
17 ~~*this section, request valid identification from the voter unless such voter*~~
18 ~~*has previously submitted current and valid identification in the county*~~
19 ~~*where registered, verify whether the photographic identification provided*~~
20 ~~*by the voter bears a signature. If the member of the election board is*~~
21 ~~*satisfied as to the identity of the voter, the member of the election board*~~
22 ~~*shall place such member's initials in the space provided and allow the*~~
23 ~~*voter to vote. If the photographic identification does not contain the sig-*~~
24 ~~*nature of the voter, an additional form of identification that provides the*~~
25 ~~*voter's signature shall be required from the voter;*~~
- 26 (5) *give the voter one ballot, on the upper right-hand corner of*
27 *which shall be written the number corresponding to the voter's*
28 *number in the registration book or poll book; and*
- 29 (6) *mark the voter's name in the registration book and party*
30 *affiliation list.*
- 31 (d) ~~*A first-time voter shall provide to the election board a form*~~
32 ~~*of valid identification such as a current and valid Kansas driver's*~~
33 ~~*license, nondriver's identification card, utility bill, bank statement,*~~
34 ~~*paycheck, government check or other government document unless*~~
35 ~~*such voter has previously submitted current and valid identification*~~
36 ~~*in the county where registered. The document provided in accord-*~~
37 ~~*ance with this section shall contain the voter's current name and*~~
38 ~~*address as indicated on the registration book or poll book.*~~
- 39 (e) ~~*If a first-time voter is unable or refuses to provide current*~~
40 ~~*and valid identification at the polling place, or if the name and*~~
41 ~~*address do not match the voter's name and address on the registra-*~~
42 ~~*tion book or poll book, the voter may vote a provisional ballot ac-*~~
43 ~~*cording to K.S.A. 25-409, and amendments thereto. The voter shall*~~

1 *provide a valid form of identification as defined in subsection (d)*
2 *of this section to the county election officer in person or provide a*
3 *copy by mail or electronic means before the meeting of the county*
4 *board of canvassers. At the meeting of the county board of can-*
5 *vassers the county election officer shall present copies of identifi-*
6 *cation received from provisional voters and the corresponding pro-*
7 *visional ballots. If the county board of canvassers determines that*
8 *a voter's identification is valid and the provisional ballot was prop-*
9 *erly cast, the ballot shall be counted.*

10 *(f) If the name of any person desiring to vote at an election is*
11 *not in the registration books, an election board member shall print*
12 *the name and address of the person appearing to vote in the regi-*
13 *stration book or poll book. The person appearing to vote shall add*
14 *such person's signature to the registration book or poll book beside*
15 *such person's printed name, as listed in the registration book or poll*
16 *book, and the election board judge shall challenge such person's*
17 *vote pursuant to K.S.A. 25-414, and amendments thereto. During*
18 *the pendency of a challenge other voters shall be given ballots and*
19 *be permitted to vote.*

20 *(g) A voter who has received an advance voting ballot may vote*
21 *a provisional ballot on election day at the precinct polling place*
22 *where the voter resides. If the voter returns the advance voting bal-*
23 *lot to a judge or clerk at the precinct polling place, the judge or*
24 *clerk shall void such advance voting ballot. Any such provisional*
25 *ballot shall be counted only if the county board of canvassers de-*
26 *termines that the provisional ballot was properly cast and the voter*
27 *has not otherwise voted at such election.*

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

33 ~~*(h) The secretary of state may adopt rules and regulations*~~
34 ~~*defining valid forms of identification.*~~

35 *(i) (1) The following forms of identification shall be considered cur-*
36 *rent and valid if such form of identification contains the name and pho-*
37 *tograph of the applicant and an expiration date which has not expired:*

38 *(A) A Kansas driver's license;*

39 *(B) a Kansas identification card issued by the Kansas department of*
40 *revenue;*

41 *(C) a United States passport;*

42 *(D) an employee badge or identification;*

43 *(E) a debit or credit card;*

- 1 (F) *a military identification;*
2 (G) *a student identification; or*
3 (H) *a public assistance identification.*
4 (2) *If the voter fails to furnish the identification required by this sub-*
5 *section, the voter shall be allowed to vote a provisional ballot. The can-*
6 *vassing board shall determine the validity of the ballot pursuant to K.S.A.*
7 *25-3002 and amendments thereto.*
8 (j) *The following persons are exempt from the identification require-*
9 *ments of this section:*
10 (1) *Persons 65 years of age or older;*
11 (2) *persons with a temporary or permanent physical disability;*
12 (3) *members of the uniformed service on active duty who, by reason*
13 *of such active duty, are absent from the county on election day;*
14 (4) *members of the merchant marine who, by reason of service in the*
15 *merchant marine, are absent from the county on election day;*
16 (5) *the spouse or dependent of a member referred to in paragraph (3)*
17 *or (4) who, by reason of the active duty or service of the member, is absent*
18 *from the county on election day; and*
19 (6) *persons currently residing outside the United States who are eli-*
20 *gible to vote in Kansas.*
21 **Sec. 5. K.S.A. 2006 Supp. 25-3002 is hereby amended to read**
22 **as follows: 25-3002. (a) The rules prescribed in this section shall**
23 **apply to:**
24 (1) **The original canvass by election boards.**
25 (2) **Intermediate and final canvasses by county boards of**
26 **canvassers.**
27 (3) **Final canvass by the state board of canvassers.**
28 (4) **All election contests.**
29 (5) **All other officers canvassing or having a part in the canvass**
30 **of any election.**
31 (b) **Rules for canvassers:**
32 (1) **No ballot, or any portion thereof, shall be invalidated by**
33 **any technical error unless it is impossible to determine the voter's**
34 **intention. Determination of the voter's intention shall rest in the**
35 **discretion of the board canvassing in the case of a canvass and in**
36 **the election court in the case of an election contest.**
37 (2) **The occurrences listed in this subpart (2) shall not invali-**
38 **date the whole ballot but shall invalidate that portion, and that**
39 **portion only, in which the occurrence appears. The votes on such**
40 **portion of the ballot shall not be counted for any candidate listed**
41 **or written in such portion, but the remainder of the votes in other**
42 **portions of the ballot shall be counted. The occurrences to which**
43 **this subpart (2) shall apply are:**

- 1 (A) *Whenever a voting mark shall be made in the square or oval*
2 *at the left of the name of more than one candidate for the same*
3 *office, except when the ballot instructs that more than one candidate*
4 *is to be voted.*
- 5 (B) *Whenever a voting mark is placed in the square or oval at*
6 *the left of a space where no candidate is listed.*
- 7 (3) *When a registered voter has cast a provisional ballot in-*
8 *tended for a precinct other than the precinct in which the voter*
9 *resides but located within the same county, the canvassers shall*
10 *count the votes for those offices or issues which are identical in both*
11 *precincts. The canvassers shall not count the votes for those offices*
12 *or issues which differ from the offices or issues appearing on the*
13 *ballot used in the precinct in which the voter resides.*
- 14 (4) *A write-in vote for those candidates for the offices of gov-*
15 *ernor and lieutenant governor shall not be counted unless the pair*
16 *of candidates have filed an affidavit of candidacy pursuant to K.S.A.*
17 *25-305 and amendments thereto, and:*
- 18 (A) *Both candidates' names are written on the ballot; or*
19 (B) *only the name of the candidate for governor is written on*
20 *the ballot.*
- 21 (5) *A write-in vote for those candidates for the offices of presi-*
22 *dent and vice-president shall not be counted unless the pair of can-*
23 *didates have filed an affidavit of candidacy pursuant to K.S.A. 25-*
24 *305 and amendments thereto, and:*
- 25 (A) *Both candidates' names are written on the ballot; or*
26 (B) *only the name of the candidate for president is written on*
27 *the ballot.*
- 28 (6) *A write-in vote for candidates for state offices elected on a*
29 *statewide basis other than offices subject to paragraph (4) shall not*
30 *be counted unless the candidate has filed an affidavit of candidacy*
31 *pursuant to K.S.A. 25-305, and amendments thereto.*
- 32 (7) *Any advance voting or mail ballot whose envelope contain-*
33 *ing the voter's written declaration is unsigned, shall be wholly void*
34 *and no vote thereon shall be counted.*
- 35 (8) *No ballot cast by a first-time voter as defined by K.S.A. 25-*
36 *1122, and amendments thereto, or K.S.A. 25-2908, and amendments*
37 *thereto, voter shall be counted if the voter fails to provide valid*
38 *identification.*
- 39 [Sec. 6. K.S.A. 25-2810 is hereby amended to read as follows:
40 25-2810. (a) Each election board shall have control of its voting
41 place and election procedure under the sole supervision of the sec-
42 retary of state, county election officer, deputy county election of-
43 ficers and the supervising judge. The election board shall open the

1 *polls at the time specified by the county election officer. The judges*
2 *shall have charge of the ballots and the supervising judge shall des-*
3 *ignate one of their number to furnish them to voters as provided by*
4 *law.*

5 *[(b) Any election board of five or more members may be divided*
6 *by the county election officer into a receiving board and a counting*
7 *board, and the receiving board shall furnish and receive ballots and*
8 *record the names of voters. The receiving board shall have control*
9 *of the voting place and election procedure under the sole supervi-*
10 *sion and direction of the secretary of state, county election officer,*
11 *deputy county election officers, and the supervising judge. The re-*
12 *ceiving board shall open and close the polls at the time specified by*
13 *the county election officer.*

14 *[(c) The counting board or boards, if any, shall proceed to their*
15 *voting place after the opening of the polls at the hour specified by*
16 *the county election officer.*

17 *[(d) At national and state elections, both primary and general,*
18 *the counting board, if any, shall take charge of one of the ballot*
19 *boxes containing the national and state ballots already cast in that*
20 *precinct. It shall retire to a partitioned room or space in the voting*
21 *place provided for that purpose and there proceed to count and*
22 *tabulate the ballots cast as it shall find them deposited in the na-*
23 *tional and state ballot box. The receiving board shall continue to*
24 *receive the votes of electors in another national and state ballot box,*
25 *and in a county and township ballot box until such time as the*
26 *counting board shall have finished counting and tabulating the bal-*
27 *lots cast in the first national and state ballot box. They shall then*
28 *exchange the first box for the second national and state box, and so*
29 *continue until they have counted and tabulated all the votes cast*
30 *on that election day in the national and state ballot boxes. Counting*
31 *boards may, in like manner, count the ballots in other ballot boxes*
32 *when only an unsubstantial number of national and state ballots*
33 *have been cast and are uncounted, and likewise at elections where*
34 *there are no national and state ballots. Prior to the closing of the*
35 *polls, no ballots shall be counted from any ballot box containing*
36 *less than 50 ballots. No result of the count shall be made known to*
37 *any person not on the election board, except the county election*
38 *officer or such officer's deputies, until after the time to close the*
39 *polls.*

40 *[(e) At city and school elections, both primary and general, the*
41 *counting board, if any, shall take charge of a ballot box containing*
42 *one kind of ballot. Such board shall then proceed, as in national*
43 *and state elections, to count and tabulate the ballots cast. When the*

1 *ballots in such ballot box have been counted, the box shall be ex-*
2 *changed for another ballot box and so continue until all of the bal-*
3 *lots of every kind are counted and tabulated.*

4 *[(f) When the hour arrives for closing the polls, the election*
5 *board, including both the receiving and counting boards if any,*
6 *shall continue in the work of counting, tabulating and summarizing*
7 *the votes, and making their certificates as to the result of the*
8 *election.*

9 *[(g) All of the judges and clerks at the same voting place on duty*
10 *when the polls close shall unite in certifying the election results as*
11 *provided in K.S.A. 25-3006 and amendments thereto.*

12 *[(h) (1) In accordance with rules and regulations adopted by the sec-*
13 *retary of state, the county election officer may allocate staffing resources*
14 *as needed at the voting place except that two members of the election*
15 *board, one of which is the supervising judge, shall be on duty for the*
16 *entire time the polls are open.*

17 *[(2) The secretary of state may adopt rules and regulations to imple-*
18 *ment the provisions of this section.]*

19 *Sec. ~~6~~ [7.] K.S.A. [25-2810 and K.S.A.] 2006 Supp. 25-1122,*
20 *25-1123, 25-2309, 25-2908 and 25-3002 are hereby repealed.*

21 *Sec. ~~3~~ ~~7~~ [8.] This act shall take effect and be in force from and*
22 *after its publication in the statute book.*