

HOUSE BILL No. 2067

By Representatives Kinzer, Arpke, Brown, Brunk, Burgess, Calloway, Carlson, Collins, DeGraaf, Donohoe, Fawcett, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Siegfried, Smith, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf and Worley

1-24

1 AN ACT concerning elections; relating to voter identification; amending
2 K.S.A. 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010
3 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-
4 2309, 25-2908, 25-3002 and 65-2418 and repealing the existing
5 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
10 Kansas driver's license may make application to the division of vehicles
11 and be 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
14 proof of lawful presence. An applicant shall submit with the application a
15 photo identity document, except that a non-photo identity document is
16 acceptable if it includes both the applicant's full legal name and date of
17 birth, and documentation showing the applicant's name, the applicant's
18 address of principal residence and the applicant's social security account
19 number. The applicant's social security number shall remain confidential
20 and shall not be disclosed, except as provided pursuant to K.S.A. 74-
21 2012, and amendments thereto. If the applicant does not have a social
22 security number, the applicant shall provide proof of lawful presence and
23 Kansas residency. The division shall assign a distinguishing number to
24 the identification card. Before issuing an identification card to a person,
25 the division shall make reasonable efforts to verify with the issuing
26 agency the issuance, validity and completeness of each document
27 required to be presented by the applicant to prove age, identity and lawful
28 presence.

29 (c) The division shall not issue an identification card to any person
30 who fails to provide proof that the person is lawfully present in the
31 United States. If an applicant provides evidence of lawful presence as set
32 out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and

1 amendments thereto, or is an alien lawfully admitted for temporary
2 residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments
3 thereto, the division may only issue a temporary identification card to the
4 person under the following conditions: (A) A temporary identification
5 card issued pursuant to this subparagraph shall be valid only during the
6 period of time of the applicant's authorized stay in the United States or, if
7 there is no definite end to the period of authorized stay, a period of one
8 year; (B) a temporary identification card issued pursuant to this
9 subparagraph shall clearly indicate that it is temporary and shall state the
10 date upon which it expires; (C) no temporary identification card issued
11 pursuant to this subparagraph shall be for a longer period of time than the
12 time period permitted by K.S.A. 8-1325, and amendments thereto; and
13 (D) a temporary identification card issued pursuant to this subparagraph
14 may be renewed, subject at the time of renewal, to the same requirements
15 and conditions set forth in this subsection (c) for the issuance of the
16 original temporary identification card.

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

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

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

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

36 (2) *The division shall not require payment of application or photo*
37 *fees under this subsection for any person 18 years of age or older for*
38 *purposes of meeting the voter registration requirements of K.S.A. 25-*
39 *2309, and amendments thereto. Such person shall sign an affidavit to be*
40 *submitted to the secretary of revenue stating that such person plans to*
41 *register to vote and that the person receives:*

42 (A) *Food assistance, general assistance, supplemental security*
43 *income (SSI), temporary assistance for families, medicaid assistance,*

1 *united tribes food distribution program, bureau of Indian affairs general*
2 *assistance, tribally administered temporary assistance for needy families*
3 *or meal assistance through the national school lunch program; or*

4 *(B) resides in a household whose income is 150% or less of the*
5 *federal poverty level.*

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

8 *(4) Any person who signs an affidavit under paragraph (2) knowing*
9 *the information is false shall be guilty of a class C misdemeanor.*

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

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

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

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

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

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

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

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

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

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

38 Sec. 2. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as
39 follows: 25-1122. (a) Any registered voter may file with the county
40 election officer where such person is a resident, or where such person is
41 authorized by law to vote as a former precinct resident, an application for
42 an advance voting ballot. The signed application shall be transmitted only
43 to the county election officer by personal delivery, mail, facsimile or as

1 otherwise provided by law.

2 (b) If the registered voter is applying for an advance voting ballot to
3 be transmitted in person, ~~and such voter is a first-time voter,~~ such voter
4 shall provide *identification pursuant to K.S.A. 25-2908, and amendments*
5 *thereto. a form of valid identification such as a current and valid Kansas*
6 *driver's license, nondriver's identification card, utility bill, bank*
7 *statement, paycheck, government check or other government document*
8 *containing the voter's current name and address as indicated on the*
9 *registration book. Such voter shall not be required to provide*
10 *identification if such voter has previously provided current and valid*
11 *identification in the county where registered.*

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

25 (d) If a ~~first-time~~ voter is unable or refuses to provide current and
26 valid identification, or if the name and address do not match the voter's
27 name and address on the registration book, the voter may vote a
28 provisional ballot according to K.S.A. 25-409, and amendments thereto.
29 The voter shall provide a valid form of identification as defined in
30 ~~subsection (e) of K.S.A. 25-2908, and amendments thereto, this section~~ to
31 the county election officer in person or provide a copy by mail or
32 electronic means before the meeting of the county board of canvassers. At
33 the meeting of the county board of canvassers the county election officer
34 shall present copies of identification received from provisional voters and
35 the corresponding provisional ballots. If the county board of canvassers
36 determines that a voter's identification is valid and the provisional ballot
37 was properly cast, the ballot shall be counted.

38 (e) *No county election officer shall provide an advance voting ballot*
39 *to a person who is requesting an advance voting ballot to be transmitted*
40 *by mail unless:*

41 (1) *The county election official verifies that the signature of the*
42 *person matches that on file in the county voter registration records.*
43 *Signature verification may occur by electronic device or by human*

1 inspection. In the event that the signature of a person who is requesting
2 an advance voting ballot does not match that on file, the county election
3 officer shall attempt to contact the person and shall offer the person
4 another opportunity to mail in such person's signature for the purposes
5 of verifying the person's identity. If the county election officer is unable
6 to reach the person, the county election officer may transmit a
7 provisional ballot, however; such provisional ballot may not be counted
8 unless a signature is included therewith that can be verified; and

9 (2) the person provides such person's full Kansas driver's license
10 number, Kansas nondriver's identification card number issued by the
11 division of vehicles, or submits such person's application for an advance
12 voting ballot and a copy of identification provided by K.S.A. 25-2908,
13 and amendments thereto, to the county election officer for verification. If
14 a person applies for an advance voting ballot to be transmitted by mail
15 but fails to provide identification pursuant to this subsection or the
16 identification of such person cannot be verified by the county election
17 officer, the county election officer shall provide information to such
18 person regarding the voter rights provisions of subsection (d) and shall
19 provide such person an opportunity to provide identification pursuant to
20 this subsection. For the purposes of this act, Kansas state offices and
21 offices of any subdivision of the state will allow any person seeking to
22 vote by an advance voting ballot the use a photocopying device to make
23 one photocopy of an identification document at no cost.

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

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

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

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

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

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

42 (6) For question submitted elections not occurring on the date of a
43 primary or general election, between the time of the first published notice

1 thereof and the last business day of the week preceding such question
2 submitted election, except that if the question submitted election is held
3 on a day other than a Tuesday, the county election officer shall determine
4 the final date for mailing of advance voting ballots, but such date shall
5 not be more than three business days before such election.

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

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

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

15 ~~(f)~~(g) Unless an earlier date is designated by the county election
16 office, applications for advance voting ballots transmitted to the voter in
17 person in the office of the county election officer shall be filed on the
18 Tuesday next preceding the election and on each subsequent business day
19 until no later than 12:00 noon on the day preceding such election. If the
20 county election officer so provides, applications for advance voting
21 ballots transmitted to the voter in person in the office of the county
22 election officer also may be filed on the Saturday preceding the election.
23 Upon receipt of any such properly executed application, the county
24 election officer shall deliver to the voter such ballots and instructions as
25 are provided for in this act.

26 An application for an advance voting ballot filed by a voter who has a
27 temporary illness or disability or who is not proficient in reading the
28 English language or by a person rendering assistance to such voter may
29 be filed during the regular advance ballot application periods until the
30 close of the polls on election day.

31 The county election officer may designate places other than the central
32 county election office as satellite advance voting sites. At any satellite
33 advance voting site, a registered voter may obtain an application for
34 advance voting ballots. Such ballots and instructions shall be delivered to
35 the voter in the same manner and subject to the same limitations as
36 otherwise provided by this subsection.

37 ~~(g)~~(h) Any person having a permanent disability or an illness which
38 has been diagnosed as a permanent illness is hereby authorized to make
39 an application for permanent advance voting status. Applications for
40 permanent advance voting status shall be in the form and contain such
41 information as is required for application for advance voting ballots and
42 also shall contain information which establishes the voter's right to
43 permanent advance voting status.

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

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

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

43 (k) The secretary of state may adopt rules and regulations *in order to*

1 *implement the provisions of this section and to define defining* valid
2 forms of identification.

3 Sec. 3. K.S.A. 2010 Supp. 25-1122d is hereby amended to read as
4 follows: 25-1122d. (a) The application for an advance voting ballot to be
5 transmitted by mail shall be accompanied by an affirmation in substance
6 as follows:

7 Affirmation of an Elector of the County of _____ and State
8 of Kansas Desiring to Vote an Advance Voting Ballot
9 State of _____, County of _____, ss:

10 I,

11 _____
12 _____

13 (Please print name)

14
15 do solemnly affirm under penalty of perjury that I am a qualified elector
16 of the _____ precinct of the _____ ward, residing at number
17 _____ on _____ street, city of _____, or in the township
18 of _____, county of _____, and state of Kansas. My date of
19 birth is _____ (month/day/year).

20 I understand that ~~if I have not previously voted in any election in this~~
21 ~~county and I have not previously submitted valid identification, a current~~
22 ~~and valid Kansas driver's license number or Kansas nondriver's~~
23 ~~identification card number must be provided in order to receive a ballot.~~
24 *If I do not have a current and valid Kansas driver's license number or*
25 *Kansas nondriver's identification card number, I must provide one of the*
26 *following forms of identification with this application in order to receive*
27 *a ballot:*

28 (1) ~~A current and valid Kansas driver's license number or nondriver's~~
29 ~~identification card number, or~~ *A copy of any one of the following types of*
30 *photographic identification: a driver's license issued by Kansas or by*
31 *another state or district of the United States, a state identification card*
32 *issued by Kansas or by another state or district of the United States, a*
33 *concealed carry of weapon license issued by Kansas or by another state*
34 *or district of the United States, a United States passport, an employee*
35 *badge or identification document issued by a municipal, county, state, or*
36 *federal government office or agency, a military identification document*
37 *issued by the United States, a student identification card issued by a*
38 *public post secondary institution in the state of Kansas, or a public*
39 *assistance identification card issued by a municipal, county, state, or*
40 *federal government office or agency; and*

41 (2) ~~the last four digits of my social security number, or a copy of~~
42 *any one of the following types of proof of current address: a utility bill,*
43 *bank statement, paycheck, government check, or other government*

1 document that shows my name and address.

2 ~~(3) a copy of 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). I desire my ballots to be sent to the following
10 address:

11 _____
12 _____
13 Signature of voter.

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

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

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

20 State of _____, County of _____, ss:

21 I, _____
22 (Please print name)

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

28 I understand that if I have not previously voted in any election in this
29 county and I have not previously submitted valid identification, a current
30 and valid Kansas driver's license number or Kansas nondriver's
31 identification card number must be provided in order to receive a ballot.
32 If I do not have a current and valid Kansas driver's license number or
33 Kansas nondriver's identification card number, I must provide one of the
34 following forms of identification with this application in order to receive
35 a ballot:

36 (1) ~~A current and valid Kansas driver's license number or nondriver's~~
37 ~~identification card utility bill, bank statement, paycheck, government~~
38 ~~check or other government document that shows my name and address. A~~
39 ~~copy of any one of the following types of photographic identification: a~~
40 ~~driver's license issued by Kansas or by another state or district of the~~
41 ~~United States, a state identification card issued by Kansas or by another~~
42 ~~state or district of the United States, a concealed carry of weapon license~~
43 ~~issued by Kansas or by another state or district of the United States, a~~

1 *United States passport, an employee badge or identification document*
2 *issued by a municipal, county, state, or federal government office or*
3 *agency, a military identification document issued by the United States, a*
4 *student identification card issued by a public post secondary institution*
5 *in the state of Kansas, or a public assistance identification card issued by*
6 *a municipal, county, state, or federal government office or agency; and*

7 *(2) a copy of any one of the following types of proof of current*
8 *address: a utility bill, bank statement, paycheck, government check, or*
9 *other government document that shows my name and address.*

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

14 _____
15 _____

16
17 Signature of voter.
18

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

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

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

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

31 Sec. 4. K.S.A. 2010 Supp. 25-1123 is hereby amended to read as
32 follows: 25-1123. (a) When an application for an advance voting ballot
33 has been filed in accordance with K.S.A. 25-1122, and amendments
34 thereto, the county election officer shall transmit to the voter applying
35 therefor one each of the appropriate ballots. ~~Except as provided by~~
36 ~~subsection (b)~~ *Unless an advance voting ballot is transmitted in person*
37 *pursuant to this subsection, the county election officer shall transmit the*
38 *advance voting ballots to the voter at one of the following addresses as*
39 *specified by the voter on such application: (1) The voter's residential*
40 *address or mailing address as indicated on the registration list; (2) the*
41 *voter's temporary residential address; or (3) a medical care facility as*
42 *defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital,*
43 *hospice or adult care home where the voter resides. No advance voting*

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

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

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

34 Sec. 5. K.S.A. 2010 Supp. 25-1124 is hereby amended to read as
35 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
36 shall cast such voter's vote as follows: The voter shall make a cross or
37 check mark in the square or parentheses opposite the name of each
38 candidate or question for whom the voter desires to vote. The voter shall
39 make no other mark, and shall allow no other person to make any mark,
40 upon such ballot. If the advance voting ballot was transmitted by mail, the
41 voter personally shall place the ballot in the ballot envelope bearing the
42 same number as the ballot and seal the envelope. The voter shall
43 complete the form on the ballot envelope and shall sign the same. Except

1 as provided by K.S.A. 25-2908, and amendments thereto, the ballot
2 envelope shall be mailed or otherwise transmitted to the county election
3 officer. If the advance voting ballot was transmitted to the voter in person
4 in the office of the county election officer or at a satellite advance voting
5 site, the voter may deposit such ballot into a locked ballot box without an
6 envelope.

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

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

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

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

40 Sec. 6. K.S.A. 2010 Supp. 25-1128 is hereby amended to read as
41 follows: 25-1128. (a) No voter shall *knowingly* mark or transmit to the
42 county election officer more than one advance voting ballot, or set of one
43 of each kind of ballot, if the voter is entitled to vote more than one such

1 ballot at a particular election.

2 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
3 no person shall *knowingly* interfere with or delay the transmission of any
4 advance voting ballot application from a voter to the county election
5 officer, nor shall any person mail, fax or otherwise cause the application
6 to be sent to a place other than the county election office. Any person or
7 group engaged in the distribution of advance voting ballot applications
8 shall mail, fax or otherwise deliver any application signed by a voter to
9 the county election office within two days after such application is signed
10 by the applicant.

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

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

20 ~~(d)~~(e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
21 1124, and amendments thereto, shall *knowingly* intercept, interfere with,
22 or delay the transmission of advance voting ballots from the county
23 election officer to the voter.

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

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

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

40 ~~(g)~~ (h) Violation of any provision of this section is a ~~class C~~
41 ~~misdemeanor~~ *severity level 9, nonperson felony.*

42 Sec. 7. K.S.A. 2010 Supp. 25-2309 is hereby amended to read as
43 follows: 25-2309. (a) Any person may apply in person, by mail, through a

1 voter registration agency, or by other delivery to a county election officer
2 to be registered. Such application shall be made on: (1) A form approved
3 by the secretary of state, which shall be provided by a county election
4 officer or chief state election official upon request in person, by telephone
5 or in writing; or (2) the mail voter registration application prescribed by
6 ~~the federal law election commission~~. Such application shall be signed by
7 the applicant under penalty of perjury and shall contain the original
8 signature of the applicant or the computerized, electronic or digitized
9 transmitted signature of the applicant. A signature may be made by mark,
10 initials, typewriter, print, stamp, symbol or any other manner if by
11 placing the signature on the document the person intends the signature to
12 be binding. A signature may be made by another person at the voter's
13 direction if the signature reflects such voter's intention.

14 (b) Applications made under this section shall give voter eligibility
15 requirements and such information as is necessary to *prevent duplicative*
16 *voter registrations and enable the relevant election officer to assess the*
17 *eligibility of the applicant and to administer voter registration, identify*
18 ~~the applicant and to determine the qualifications of the applicant as an~~
19 ~~elector and the facts authorizing such person to be registered~~, including,
20 but not limited to, the following data *to be kept by the relevant election*
21 *officer as provided by law*:

- 22 (1) Name;
- 23 (2) place of residence, including specific address or location, and
24 mailing address if the residence address is not a permissible postal
25 address;
- 26 (3) date of birth;
- 27 (4) sex;
- 28 (5) the last four digits of the person's social security number or the
29 person's full driver's license or nondriver's identification card number;
- 30 (6) telephone number, if available;
- 31 (7) naturalization data (if applicable);
- 32 (8) if applicant has previously registered or voted elsewhere,
33 residence at time of last registration or voting;
- 34 (9) when present residence established;
- 35 (10) name under which applicant last registered or voted, if different
36 from present name;
- 37 (11) an attestation that the applicant meets each eligibility
38 requirement;
- 39 (12) a statement that the penalty for submission of a false voter
40 registration application is a maximum presumptive sentence of 17 months
41 in prison;
- 42 (13) a statement that, if an applicant declines to register to vote, the
43 fact that the applicant has declined to register will remain confidential

1 and will be used only for voter registration purposes;

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

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

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

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

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

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

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

23 If the application discloses any previous registration in any other
24 county or state, as indicated by paragraph (8) or (10), or otherwise, the
25 county election officer shall upon the registration of the applicant, give
26 notice to the election official of the place of former registration, notifying
27 such official of applicant's present residence and registration, and
28 authorizing cancellation of such former registration. *This section shall be*
29 *interpreted and applied in accordance with federal law. No eligible*
30 *applicant whose qualifications have been assessed shall be denied*
31 *registration.*

32 (c) Any person who applies for registration through a voter
33 registration agency shall be provided with, in addition to the application
34 under subsection (b), a form which includes:

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

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

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

43 (4) if the agency provides public assistance, (i) the statement

1 "Applying to register or declining to register to vote will not affect the
2 amount of assistance that you will be provided by this agency.";

3 (ii) boxes for the applicant to check to indicate whether the applicant
4 would like to register or declines to register to vote, together with the
5 statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
6 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE
7 AT THIS TIME.";

8 (iii) the statement "If you would like help in filling out the voter
9 registration application form, we will help you. The decision whether to
10 seek or accept help is yours. You may fill out the application form in
11 private."; and

12 (iv) the statement "If you believe that someone has interfered with
13 your right to register or to decline to register to vote, your right to privacy
14 in deciding whether to register or in applying to register to vote, or your
15 right to choose your own political party or other political preference, you
16 may file a complaint with the Kansas Secretary of State."

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

19 (e) A voter registration agency shall transmit the completed
20 registration application to the county election officer not later than five
21 days after the date of acceptance. Upon receipt of an application for
22 registration, the county election officer shall send, by nonforwardable
23 mail, a notice of disposition of the application to the applicant at the
24 postal delivery address shown on the application. If a notice of
25 disposition is returned as undeliverable, a confirmation mailing
26 prescribed by K.S.A. 25-2316c, and amendments thereto, shall occur.

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

30 (g) A person who completes an application for voter registration
31 shall be considered a registered voter when the county election officer
32 adds the applicant's name to the county voter registration list.

33 (h) Any registered voter whose residence address is not a
34 permissible postal delivery address shall designate a postal address for
35 registration records. When a county election officer has reason to believe
36 that a voter's registration residence is not a permissible postal delivery
37 address, the county election officer shall attempt to determine a proper
38 mailing address for the voter.

39 (i) Any registered voter may request that such person's residence
40 address be concealed from public inspection on the voter registration list
41 and on the original voter registration application form. Such request shall
42 be made in writing to the county election officer, and shall specify a
43 clearly unwarranted invasion of personal privacy or a threat to the voter's

1 safety. Upon receipt of such a request, the county election officer shall
2 take appropriate steps to ensure that such person's residence address is not
3 publicly disclosed. Nothing in this subsection shall be construed as
4 requiring or authorizing the secretary of state to include on the voter
5 registration application form a space or other provision on the form that
6 would allow the applicant to request that such applicant's residence
7 address be concealed from public inspection.

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

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

19 (l) *The county election officer or secretary of state's office shall*
20 *reject any application for registration that is not accompanied by*
21 *satisfactory evidence of United States citizenship. Evidence of United*
22 *States citizenship as required in this section will be satisfied by*
23 *presenting one of the documents listed in paragraphs (1) through (6) of*
24 *subsection (l) in person at the time of filing the application for*
25 *registration or by including a photocopy of one of the following*
26 *documents with a mailed registration application. After a person has*
27 *submitted satisfactory evidence of citizenship, the county election officer*
28 *shall indicate this information in the person's permanent voter file.*
29 *Evidence of United States citizenship shall be satisfied by providing one*
30 *of the following, or a legible photocopy of one of the following*
31 *documents:*

32 (1) *The applicant's driver's license or nondriver's identification card*
33 *originally issued after April 20, 2007, by the division of vehicles or the*
34 *equivalent governmental agency of another state within the United States*
35 *if the agency indicates on the applicant's driver's license or nondriver's*
36 *identification card that the person has provided satisfactory proof of*
37 *United States citizenship;*

38 (2) *the applicant's birth certificate that verifies United States*
39 *citizenship to the satisfaction of the county election officer or secretary of*
40 *state;*

41 (3) *pertinent pages of the applicant's United States valid or expired*
42 *passport identifying the applicant and the applicant's passport number,*
43 *or presentation to the county election officer of the applicant's United*

1 *States passport;*

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

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

12 *(6) the applicant's bureau of Indian affairs card number, tribal*
13 *treaty card number or tribal enrollment number.*

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

18 *(n) For purposes of this section, proof of voter registration from*
19 *another state is not satisfactory evidence of United States citizenship.*

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

24 *(p) All documents submitted as evidence of citizenship shall be kept*
25 *confidential by the county election officer or the secretary of state and*
26 *maintained as provided by Kansas record retention laws. The provisions*
27 *of this subsection shall expire on July 1, 2016, unless the legislature*
28 *reviews and reenacts this provision pursuant to K.S.A. 45-229, and*
29 *amendments thereto, prior to July 1, 2016.*

30 *(q) The secretary of state may adopt rules and regulations to in*
31 *order to implement the provisions of this section.*

32 *Sec. 8. K.S.A. 25-2411 is hereby amended to read as follows: 25-*
33 *2411. Election perjury is intentionally and knowingly falsely swearing,*
34 *affirming, declaring or subscribing to any of the following: (a) Statements*
35 *in answer to questions put to a person who has been challenged as*
36 *unqualified to vote.*

37 *(b) Statements in answer to questions put to a witness concerning*
38 *the qualifications of any person to vote.*

39 *(c) Statements contained in any affidavit or declaration which is*
40 *prescribed by chapter 25 of the Kansas Statutes Annotated or any other*
41 *election law of the state, or which is prescribed in any manner by the*
42 *secretary of state or any county election officer under the election laws of*
43 *this state.*

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

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

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

9 Election perjury is a severity level 98, nonperson felony.

10 Sec. 9. K.S.A. 25-2416 is hereby amended to read as follows: 25-
11 2416. (a) Voting without being qualified is knowingly: ~~and willfully:~~
12 (a)

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

15 (2) *voting or attempting to vote at any election by a person who is*
16 *not a citizen of the United States or who does not otherwise meet the*
17 *qualifications of an elector.*

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

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

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

23 Sec. 10. K.S.A. 25-2423 is hereby amended to read as follows: 25-
24 2423.

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

27 (b) Election tampering is a severity level 87, nonperson felony.

28 Sec. 11. K.S.A. 25-2431 is hereby amended to read as follows: 25-
29 2431.

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

33 (b) False impersonation of a voter is a severity level 98, nonperson
34 felony.

35 Sec. 12. K.S.A. 2010 Supp. 25-2908 is hereby amended to read as
36 follows: 25-2908. (a) Each polling place shall use either: (1) A
37 registration book and a poll book, as defined in K.S.A. 25-2507(a) and
38 K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration
39 book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The
40 county election officer shall determine which books are used in each
41 county, and which book voters shall sign.

42 (b) A person desiring to vote shall provide to the election board: (1)
43 The voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's

1 signature on the registration or poll book; *and (4) a valid form of*
2 *identification listed in subsection (h).* A signature may be made by mark,
3 initials, typewriter, print, stamp, symbol or any other manner if by placing
4 the signature on the document the person intends the signature to be
5 binding. A signature may be made by another person at the voter's
6 direction if the signature reflects such voter's intention.

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

8 (1) Announce the voter's name in a loud and distinct tone of voice,
9 and, if the name is in the registration books, the member of the election
10 board having the registration record shall repeat the 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 behalf of
13 any voter who is unable to personally affix a signature by reason of
14 temporary illness or disability, or lack of proficiency in reading the
15 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; request a valid form of identification from the voter. If~~
20 ~~the member of the election board is satisfied that the voter is the person~~
21 ~~depicted in the identification and that the identification provided is one of~~
22 ~~the valid forms of identification listed in subsection (h), the member of~~
23 ~~the election board shall place such member's initials in the space~~
24 ~~provided and allow the voter to vote;~~

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

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

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

38 ~~(e)(d)~~ If a ~~first-time~~ voter is unable or refuses to provide current and
39 valid identification at the polling place, or if the name and address do not
40 match the voter's name and address on the registration book or poll book,
41 the voter may vote a provisional ballot according to K.S.A. 25-409, and
42 amendments thereto. The voter shall provide a valid form of
43 identification as defined in subsection ~~(d)~~(h) of this section to the county

1 election officer in person or provide a copy by mail or electronic means
2 before the meeting of the county board of canvassers. At the meeting of
3 the county board of canvassers the county election officer shall present
4 copies of identification received from provisional voters and the
5 corresponding provisional ballots. If the county board of canvassers
6 determines that a voter's identification is valid and the provisional ballot
7 was properly cast, the ballot shall be counted.

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

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

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

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

35 (h) (1) *The following forms of identification shall be valid if the*
36 *identification contains the name and photograph of the applicant and has*
37 *not expired. Expired documents shall be valid if the bearer of the*
38 *document is 65 years of age or older:*

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

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

43 (C) *a concealed carry of handgun license issued by Kansas or by*

- 1 *another state or district of the United States;*
2 *(D) a United States passport;*
3 *(E) an employee badge or identification document issued by a*
4 *municipal, county, state, or federal government office or agency;*
5 *(F) a military identification document issued by the United States;*
6 *(G) a student identification card issued by a public postsecondary*
7 *institution in the state of Kansas; or*
8 *(H) a public assistance identification card issued by a municipal,*
9 *county, state, or federal government office or agency.*
- 10 *(2) If the address on the submitted form of identification is not*
11 *current, the person may submit any one of the following documents in*
12 *addition to the identification above to establish the person's current*
13 *address: a utility bill, bank statement, paycheck, government check or*
14 *other government document. Documents provided in accordance with this*
15 *section shall contain the voter's current name and address as indicated*
16 *on the registration book or poll book.*
- 17 *(3) If the person fails to furnish the identification required by this*
18 *subsection, the person shall be allowed to vote a provisional ballot. The*
19 *canvassing board shall determine the validity of the ballot pursuant to*
20 *K.S.A. 25-3002, and amendments thereto.*
- 21 *(i) The following persons are exempt from the photographic*
22 *identification document requirements of this section:*
- 23 *(1) Persons with a permanent physical disability that makes it*
24 *impossible for such persons to travel to a county or state office to obtain*
25 *a qualifying form of identification and are qualified for permanent*
26 *advance voting status under K.S.A. 25-1124, and amendments thereto;*
27 *(2) members of the uniformed service on active duty who, by reason*
28 *of such active duty, are absent from the county on election day;*
29 *(3) members of the merchant marine who, by reason of service in*
30 *the merchant marine, are absent from the county on election day;*
31 *(4) the spouse or dependent of a member referred to in paragraph*
32 *(2) or (3), who, by reason of the active duty or service of the member, is*
33 *absent from the county on election day; and*
34 *(5) any voter whose religious beliefs prohibit photographic*
35 *identification. Any person seeking an exemption under this provision*
36 *must complete and transmit a declaration concerning such religious*
37 *beliefs to the county election officer or the Kansas secretary of state. The*
38 *declaration form shall be available on the official website of the Kansas*
39 *secretary of state.*
- 40 *Sec. 13. K.S.A. 2010 Supp. 25-3002 is hereby amended to read as*
41 *follows: 25-3002. (a) The rules prescribed in this section shall apply to:*
42 *(1) The original canvass by election boards.*
43 *(2) Intermediate and final canvasses by county boards of canvassers.*

- 1 (3) Final canvass by the state board of canvassers.
- 2 (4) All election contests.
- 3 (5) All other officers canvassing or having a part in the canvass of
4 any election.
- 5 (b) Rules for canvassers:
- 6 (1) No ballot, or any portion thereof, shall be invalidated by any
7 technical error unless it is impossible to determine the voter's intention.
8 Determination of the voter's intention shall rest in the discretion of the
9 board canvassing in the case of a canvass and in the election court in the
10 case of an election contest.
- 11 (2) The occurrences listed in this subpart (2) shall not invalidate the
12 whole ballot but shall invalidate that portion, and that portion only, in
13 which the occurrence appears. The votes on such portion of the ballot
14 shall not be counted for any candidate listed or written in such portion,
15 but the remainder of the votes in other portions of the ballot shall be
16 counted. The occurrences to which this subpart (2) shall apply are:
- 17 (A) Whenever a voting mark shall be made in the square at the left
18 of the name of more than one candidate for the same office, except when
19 the ballot instructs that more than one candidate is to be voted.
- 20 (B) Whenever a voting mark is placed in the square at the left of a
21 space where no candidate is listed.
- 22 (3) When a registered voter has cast a provisional ballot intended for
23 a precinct other than the precinct in which the voter resides but located
24 within the same county, the canvassers shall count the votes for those
25 offices or issues which are identical in both precincts. The canvassers
26 shall not count the votes for those offices or issues which differ from the
27 offices or issues appearing on the ballot used in the precinct in which the
28 voter resides.
- 29 (4) A write-in vote for those candidates for the offices of governor
30 and lieutenant governor shall not be counted unless the pair of candidates
31 have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and
32 amendments thereto, and:
- 33 (A) Both candidates' names are written on the ballot; or
- 34 (B) only the name of the candidate for governor is written on the
35 ballot.
- 36 (5) A write-in vote for those candidates for the offices of president
37 and vice-president shall not be counted unless the pair of candidates have
38 filed an affidavit of candidacy pursuant to K.S.A. 25-305, and
39 amendments thereto, and:
- 40 (A) Both candidates' names are written on the ballot; or
- 41 (B) only the name of the candidate for president is written on the
42 ballot.
- 43 (6) A write-in vote for candidates for state offices elected on a

1 statewide basis other than offices subject to paragraph (4) shall not be
2 counted unless the candidate has filed an affidavit of candidacy pursuant
3 to K.S.A. 25-305, and amendments thereto.

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

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

11 Sec. 14. K.S.A. 2010 Supp. 65-2418 is hereby amended to read as
12 follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and
13 regulations the fees to be paid for certified copies or abstracts of
14 certificates or for search of the files for birth, death, fetal death, marriage
15 or divorce records when no certified copy or abstract is made. Except as
16 otherwise provided in this section, the secretary shall remit all moneys
17 received by or for the secretary from fees, charges or penalties, under the
18 uniform vital statistics act, and amendments thereto, to the state treasurer
19 in accordance with the provisions of K.S.A. 75-4215, and amendments
20 thereto. Upon receipt of each such remittance, the state treasurer shall
21 deposit the entire amount in the state treasury to the credit of the civil
22 registration and health statistics fee fund created by K.S.A. 2010 Supp.
23 65-2418e, and amendments thereto.

24 (2) The secretary shall not charge any fee for a certified copy of a
25 certificate or abstract or for a search of the files or records if the
26 certificate, abstract or search is requested by a person who exhibits
27 correspondence from the United States department of veterans affairs or
28 the Kansas commission on veterans' affairs which indicates that the
29 person is applying for benefits from the United States department of
30 veterans affairs and that such person needs the requested information to
31 obtain such benefits, except that, for a second or subsequent certified
32 copy of a certificate, abstract or search of the files requested by the
33 person, the usual fee shall be charged. The secretary may provide by rules
34 and regulations for exemptions from such fees.

35 (3) *The secretary shall not charge any fee for a certified copy of a*
36 *birth certificate if the certificate is requested by any person who is 18*
37 *years of age or older for purposes of meeting the voter registration*
38 *requirements of K.S.A. 25-2309, and amendments thereto. Such person*
39 *shall sign an affidavit to be submitted to the secretary stating that such*
40 *person plans to register to vote and that the person receives:*

41 (A) *Food assistance, general assistance, supplemental security*
42 *income (SSI), temporary assistance for families, medicaid assistance,*
43 *united tribes food distribution program, bureau of Indian affairs general*

1 *assistance, tribally administered temporary assistance for needy families*
2 *or meal assistance through the national school lunch program; or*

3 *(B) resides in a household whose income is 150% or less of the*
4 *federal poverty level.*

5 *(C) The secretary shall adopt rules and regulations in order to*
6 *implement the provisions of this subsection.*

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

9 ~~(3)~~(4) Upon receipt of any such remittance of a fee for a certified
10 copy of a birth certificate or abstract, \$3 of each such fee for the first
11 copy of a birth certificate or abstract and \$1 of each such fee for each
12 additional copy of the same birth certificate or abstract requested at the
13 same time shall be remitted to the state treasurer in accordance with the
14 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
15 each such remittance, the state treasurer shall deposit the entire amount in
16 the state treasury to the credit of the permanent families account of the
17 family and children investment fund created by K.S.A. 38-1808, and
18 amendments thereto. The balance of the money received for a fee for a
19 certified copy of a birth certificate or abstract shall be remitted to the state
20 treasurer in accordance with the provisions of K.S.A. 75-4215, and
21 amendments thereto. Upon receipt of each such remittance, the state
22 treasurer shall deposit the entire amount in the state treasury to the credit
23 of the civil registration and health statistics fee fund created under this
24 act.

25 ~~(4)~~(5) Upon receipt of any such remittance of a fee for a certified
26 copy of a death certificate or abstract, \$4 of each such fee for the first
27 certified copy of a death certificate or abstract and \$2 of each such fee for
28 each additional copy of the same death certificate or abstract requested at
29 the same time shall be remitted to the state treasurer in accordance with
30 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
31 of each such remittance, the state treasurer shall deposit the entire amount
32 in the state treasury to the credit of the district coroners fund created by
33 K.S.A. 22a-245, and amendments thereto. The balance of the money
34 received for a fee for a certified copy of a death certificate or abstract
35 shall be remitted to the state treasurer in accordance with the provisions
36 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
37 remittance, the state treasurer shall deposit the entire amount in the state
38 treasury to the credit of the civil registration and health statistics fee fund
39 created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

40 (b) Subject to K.S.A. 65-2415, and amendments thereto, the national
41 office of vital statistics may be furnished copies or data it requires for
42 national statistics. The state shall be reimbursed for the cost of furnishing
43 the data. The data shall not be used for other than statistical purposes by

1 the national office of vital statistics unless so authorized by the state
2 registrar of vital statistics.

3 New Sec. 15. (a) The duty and independent authority to appear in
4 any court having jurisdiction within the state of Kansas and prosecute or
5 defend on behalf of the people all actions and proceedings, civil or
6 criminal, which involve an election crime, attempted election crime or
7 violation related to any election law shall be vested in:

8 (1) The district or county attorney of the county where such
9 violations occurred;

10 (2) the Kansas attorney general; or

11 (3) the Kansas secretary of state.

12 (b) If one of the officers listed in section (a) has commenced an
13 action or proceeding which involves an election crime, attempted election
14 crime or violation related to any election law, the other officers listed in
15 section (a) may provide assistance to the prosecuting officer but may not
16 commence a separate prosecution.

17 New Sec. 16. (a) Voting more than once is knowingly:

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

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

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

22 Sec. 17. If any provision of this act is held to be unconstitutional
23 under the United States or Kansas constitutions, that provision shall be
24 severed from the act, and the other provisions of this act shall remain
25 valid and in effect.

26 Sec. 18. K.S.A. 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A.
27 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-
28 2309, 25-2908, 25-3002 and 65-2418 are hereby repealed.

29 Sec. 19. This act shall take effect and be in force from and after
30 January 1, 2012, and its publication in the statute book.