

SENATE BILL No. 222

By Committee on Ways and Means

3-3

AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

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

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. ~~Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.~~

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

(e) *No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless the county election official verifies that the signature of the person matches that on file in the county voter registration records. Signature verification may occur by electronic device or by human inspection.*

(1) *In the event that the signature of the person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide such person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified.*

(2) *If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this section, or the identification of such person cannot be verified by the county election officer, the county election officer shall provide information to such person regarding the voter rights provisions of subsection (d) and shall provide such person an opportunity to provide identification pursuant to this subsection.*

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

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

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

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

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

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

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

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

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

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

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

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

42 The county election officer may designate places other than the central
43 county election office as satellite advance voting sites. At any satellite

1 advance voting site, a registered voter may obtain an application for
2 advance voting ballots. Such ballots and instructions shall be delivered to
3 the voter in the same manner and subject to the same limitations as
4 otherwise provided by this subsection.

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

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

37 ~~(i)~~(j) If a person on the permanent advance voting list fails to vote in
38 two consecutive general elections held on the Tuesday succeeding the
39 first Monday in November of each even-numbered year, the county
40 election officer may mail a notice to such voter. Such notice shall inform
41 the voter that the voter's name will be removed from the permanent
42 advance voting list unless the voter renews the application for permanent
43 advance voting status within 30 days after the notice is mailed. If the

1 voter fails to renew such application, the county election officer shall
2 remove the voter's name from the permanent advance voting list. Failure
3 to renew the application for permanent advance voting status shall not
4 result in removal of the voter's name from the voter registration list.

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

11 (k)(l) The secretary of state may adopt rules and regulations defining
12 valid forms of identification.

13 Sec. 2. K.S.A. 2010 Supp. 25-1122d is hereby amended to read as
14 follows: 25-1122d. (a) The application for an advance voting ballot to be
15 transmitted by mail shall be accompanied by an affirmation in substance
16 as follows:

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

19 State of _____, County of _____, ss:

20 I, _____

21 (Please print name)

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

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

31 (1) A current and valid Kansas driver's license number or nondriver's
32 identification card number; or

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

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

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

43 _____
Signature of voter.

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

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

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

7 State of _____, County of _____, ss:

8 I, _____

9 (Please print name)

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

15 I understand that if I have not previously voted in any election in this
16 county and I have not previously submitted valid identification, I must
17 provide one of the following forms of identification with this application
18 in order to receive a ballot: a current and valid Kansas driver's license or
19 nondriver's identification card, utility bill, bank statement, paycheck,
20 government check or other government document that shows my name
21 and address.

22 *I understand that if I am not a first-time voter in this county, I must*
23 *provide one of the following forms of identification with this application*
24 *in order to receive a ballot: a current and valid Kansas driver's license*
25 *or nondriver's identification card, utility bill, bank statement paycheck,*
26 *government check or other government document that shows my name*
27 *and address. I understand that if I am unable or refuse to provide valid*
28 *identification, I may vote a provisional ballot according to K.S.A. 25-409,*
29 *and amendments thereto.*

30 I am entitled to vote an advance voting ballot and I have not voted and
31 will not otherwise vote at the election to be held on _____ (date).
32 My political party is _____ (to be filled in only when requesting
33 primary election ballots).
34

35 _____
Signature of voter.

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

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

43 (d) Any application by a former precinct resident shall state both the

1 former and present residence, address, precinct and county of such former
2 precinct resident and the date of change of residence.

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

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

11 Sec. 3. K.S.A. 2010 Supp. 25-2309 is hereby amended to read as
12 follows: 25-2309. (a) Any person may apply in person, by mail, through a
13 voter registration agency, or by other delivery to a county election officer
14 to be registered. Such application shall be made on: (1) A form approved
15 by the secretary of state, which shall be provided by a county election
16 officer or chief state election official upon request in person, by telephone
17 or in writing; or (2) the *national* mail voter registration form issued
18 ~~pursuant to application prescribed by the federal law. election~~
19 ~~commission.~~ Such application shall be signed by the applicant under
20 penalty of perjury and shall contain the original signature of the applicant
21 or the computerized, electronic or digitized transmitted signature of the
22 applicant. A signature may be made by mark, initials, typewriter, print,
23 stamp, symbol or any other manner if by placing the signature on the
24 document the person intends the signature to be binding. A signature may
25 be made by another person at the voter's direction if the signature reflects
26 such voter's intention.

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

35 (1) Name;

36 (2) place of residence, including specific address or location, and
37 mailing address if the residence address is not a permissible postal
38 address;

39 (3) date of birth;

40 (4) sex;

41 (5) the last four digits of the person's social security number or the
42 person's full driver's license or nondriver's identification card number;

43 (6) telephone number, if available;

- 1 (7) naturalization data (if applicable);
- 2 (8) if applicant has previously registered or voted elsewhere,
- 3 residence at time of last registration or voting;
- 4 (9) when present residence established;
- 5 (10) name under which applicant last registered or voted, if different
- 6 from present name;
- 7 (11) an attestation that the applicant meets each eligibility
- 8 requirement;
- 9 (12) a statement that the penalty for submission of a false voter
- 10 registration application is a maximum presumptive sentence of 17 months
- 11 in prison;
- 12 (13) a statement that, if an applicant declines to register to vote, the
- 13 fact that the applicant has declined to register will remain confidential
- 14 and will be used only for voter registration purposes;
- 15 (14) a statement that if an applicant does register to vote, the office
- 16 to which a voter registration application is submitted will remain
- 17 confidential and will be used only for voter registration purposes;
- 18 (15) boxes for the applicant to check to indicate whether the
- 19 applicant is or is not a citizen of the United States, together with the
- 20 question "Are you a citizen of the United States of America?";
- 21 *(16) boxes for the county election officer or chief state election*
- 22 *official to check to indicate whether the applicant has provided with the*
- 23 *application the information necessary to assess the eligibility of the*
- 24 *applicant;*
- 25 ~~(16)~~(17) boxes for the applicant to check to indicate whether or not
- 26 the applicant will be 18 years of age or older on election day, together
- 27 with the question "Will you be 18 years of age on or before election
- 28 day?";
- 29 ~~(17)~~(18) in reference to paragraphs (15) and ~~(16)~~(17) the statement
- 30 "If you checked 'no' in response to either of these questions, do not
- 31 complete this form.";
- 32 ~~(18)~~(19) a statement that the applicant may be required to provide
- 33 identification when voting; and
- 34 ~~(19)~~(20) political party affiliation declaration, if any. An applicant's
- 35 failure to make a declaration will result in the applicant being registered
- 36 as an unaffiliated voter.
- 37 If the application discloses any previous registration in any other
- 38 county or state, as indicated by paragraph (8) or (10), or otherwise, the
- 39 county election officer shall upon the registration of the applicant, give
- 40 notice to the election official of the place of former registration, notifying
- 41 such official of applicant's present residence and registration, and
- 42 authorizing cancellation of such former registration. *This section shall be*
- 43 *interpreted and applied in accordance with federal law. No eligible*

1 *applicant whose qualifications have been assessed shall be denied*
2 *registration.*

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

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

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

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

14 (4) if the agency provides public assistance, (i) the statement
15 "Applying to register or declining to register to vote will not affect the
16 amount of assistance that you will be provided by this agency.";

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

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

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

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

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

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

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

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

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

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

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

33 (l) *The county election officer or the secretary of state's office shall*
34 *accept any completed application for registration, but an applicant shall*
35 *not be registered until the voter's application is accompanied by*
36 *satisfactory evidence of a person's eligibility to vote. Upon the ability of*
37 *the county officer or secretary of state's office to verify United States*
38 *citizenship by obtaining Kansas driver's license numbers, Kansas*
39 *nondriver's identification card numbers or social security numbers*
40 *electronically, the county election officer or secretary of state shall reject*
41 *any application for voter registration where satisfactory evidence of*
42 *United States citizenship cannot be verified.*

43 Sec. 4. K.S.A. 25-2352 is hereby amended to read as follows: 25-

1 2352. (a) (1) Each Kansas division of motor vehicles driver's license
2 application and nondriver identification card application (including any
3 renewal application) submitted to a division of motor vehicles office in
4 Kansas shall serve as an application for voter registration unless the
5 applicant fails to sign the voter registration application. An individual
6 who completes the application for voter registration and is otherwise
7 eligible shall be registered to vote in accordance with the information
8 supplied by the individual.

9 (2) An application for voter registration submitted under subsection
10 (a)(1) shall be considered as updating any previous voter registration by
11 the applicant.

12 (b) The voter registration section of the application:

13 (1) May require a second signature or other information that
14 duplicates, or is in addition to, information in the driver's license or
15 nondriver's identification card section of the application to prevent
16 duplicate voter registrations, and to enable Kansas election officials to
17 assess the eligibility of the applicant and to administer voter registration
18 and other parts of the election process;

19 (2) shall include a statement that specifies each eligibility
20 requirement for voting, contains an attestation that the applicant meets
21 each such requirement, including citizenship, and requires the signature
22 of the applicant, under penalty of perjury;

23 (3) shall include a statement that, if an applicant declines to register
24 to vote, the fact that the applicant has declined to register will remain
25 confidential and will be used only for voter registration purposes;

26 (4) shall include a statement that if an applicant does register to vote,
27 the office at which the applicant submits a voter registration application
28 will remain confidential and will be used only for voter registration
29 purposes;

30 (5) shall be made available by the division of vehicles (as submitted
31 by the applicant, or in machine-readable or other format) to the secretary
32 of state and county election officers, as provided by rules and regulations
33 adopted by the secretary of state; and

34 (6) shall be transmitted to the county election officer not later than
35 five days after the date of acceptance.

36 (c) The motor vehicle driver's license and nondriver identification
37 card form used for change of residence address shall also serve as a
38 notification of change of residence address for voter registration for
39 elections, unless the registrant states on the form that the change is not for
40 voter registration purposes.

41 (d) The voter registration portion of the motor vehicle driver's
42 license and nondriver identification card applications and change of
43 address forms used shall be subject to approval by the secretary of state

1 for purposes of voter registration under this section.

2 (e) Following the line fixed for the signature of the applicant on the
3 application for voter registration, a statement shall be printed stating that
4 the penalty for submission of a false voter registration application is a
5 maximum presumptive sentence of 17 months in prison.

6 (f) *The department of revenue or an employee of the department of*
7 *revenue acting within the scope of the employee's employment shall not*
8 *be liable for any damages resulting from any claim based on the*
9 *department of revenue's transfer of any motor vehicle record information*
10 *to the secretary of state that is required or permitted by law.*

11 (f)(g) The secretary of state is hereby authorized to adopt such rules
12 and regulations in the manner prescribed by law as may be necessary for
13 the administration of the provisions of this section.

14 Sec. 5. K.S.A. 25-2411 is hereby amended to read as follows: 25-
15 2411. Election perjury is intentionally and knowingly falsely swearing,
16 affirming, declaring or subscribing to any of the following: (a) Statements
17 in answer to questions put to a person who has been challenged as
18 unqualified to vote.

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

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

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

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

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

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

35 Sec. 6. K.S.A. 25-2416 is hereby amended to read as follows: 25-
36 2416. (a) Voting without being qualified is knowingly: ~~and willfully:~~

37 (a)

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

40 (2) *voting or attempting to vote in any election by a person who is*
41 *not a citizen of the United States or who does not otherwise meet the*
42 *qualifications of an elector.*

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

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

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

5 Sec. 7. K.S.A. 25-2423 is hereby amended to read as follows: 25-
6 2423.

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

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

10 Sec. 8. K.S.A. 25-2431 is hereby amended to read as follows: 25-
11 2431.

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

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

17 Sec. 9. K.S.A. 2010 Supp. 25-2908 is hereby amended to read as
18 follows: 25-2908. (a) Each polling place shall use either: (1) A
19 registration book and a poll book, as defined in K.S.A. 25-2507(a) and
20 K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration
21 book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The
22 county election officer shall determine which books are used in each
23 county, and which book voters shall sign.

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

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

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

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

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

41 ~~(4) if the voter is a first-time voter as described in subsection (h) of~~
42 ~~this section, request valid identification from the voter unless such voter~~
43 ~~has previously submitted current and valid identification in the county~~

1 ~~where registered;~~ request a valid form of identification from the voter. If
2 the member of the election board is satisfied that the voter is the person
3 depicted in the identification and that the identification provided is one of
4 the valid forms of identification listed in subsection (d), the member of
5 the election board shall place such member's initials in the space
6 provided and allow the voter to vote;

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

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

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

20 (e) If a ~~first-time~~ voter is unable or refuses to provide current and
21 valid identification at the polling place, or if the name and address do not
22 match the voter's name and address on the registration book or poll book,
23 the voter may vote a provisional ballot according to K.S.A. 25-409, and
24 amendments thereto.

25 (1) ~~The~~ *A first-time* voter shall provide a valid form of identification
26 as defined in subsection (d) ~~of this section~~ to the county election officer
27 in person or provide a copy by mail or electronic means before the
28 meeting of the county board of canvassers. At the meeting of the county
29 board of canvassers the county election officer shall present copies of
30 identification received from *such* provisional voters and the
31 corresponding provisional ballots. If the county board of canvassers
32 determines that a voter's identification is valid and the provisional ballot
33 was properly cast, the ballot shall be counted.

34 (2) *If a voter is not a first-time voter, the county election officer shall*
35 *validate the voter's eligibility by comparing the information provided on*
36 *the provisional ballot application with the voter's county voter*
37 *registration record.*

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

1 shall challenge such person's vote pursuant to K.S.A. 25-414, and
2 amendments thereto. During the pendency of a challenge other voters
3 shall be given ballots and be permitted to vote.

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

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

17 (i) The secretary of state may adopt rules and regulations defining
18 valid forms of identification.

19 Sec. 10. K.S.A. 2010 Supp. 25-3002 is hereby amended to read as
20 follows: 25-3002. (a) The rules prescribed in this section shall apply to:

21 (1) The original canvass by election boards.

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

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

24 (4) All election contests.

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

27 (b) Rules for canvassers:

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

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

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

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

1 space where no candidate is listed.

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

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

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

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

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

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

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

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

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

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

33 Sec. 11. K.S.A. 2010 Supp. 25-3104 is hereby amended to read as
34 follows: 25-3104. The original canvass of every election shall be
35 performed by the election boards at the voting places. The county election
36 officer shall present the original returns, together with the ballots, books
37 and any other records of the election, for the purpose of canvass, to the
38 county board of canvassers at any time between 8:00 a.m. and 10:00
39 a.m. on the ~~Friday~~ *Monday* next following any election held on a
40 Tuesday, except that the county election officer may move the canvass to
41 the ~~Monday next~~ *second Thursday* following the election if notice is
42 published prior to the canvass in a newspaper with general circulation in
43 the county. For elections not held on a Tuesday, the canvass by the county

1 board of canvassers shall be held on a day and hour designated by it, and
2 not later than the fifth day following the day of such election.

3 New Sec. 12. (a) Voting more than once is knowingly:

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

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

7 (b) Voting more than once is a:

8 (1) Class A nonperson misdemeanor, except as provided in
9 subsection (b)(2); and

10 (2) severity level 9, nonperson felony, upon a second or subsequent
11 conviction.

12 New Sec. 13. (a) The secretary of state shall provide advance
13 notice of the personal identification requirements of this act in a manner
14 calculated to inform the public generally of the requirement for forms of
15 personal identification as provided in this act. Such advance notice shall
16 include, at a minimum, the use of advertisements and public service
17 announcements in print, broadcast television, radio and cable television
18 media, as well as the posting of information on the opening pages of the
19 official internet websites of the secretary of state and governor.

20 (b) On or after July 1, 2012, the secretary of state shall investigate
21 past occurrences and current opportunities for voter fraud in the use of
22 direct recording electronic voting systems. The secretary of state shall
23 compile a report of such findings as well as devise a plan to prevent
24 instances of voter fraud. The secretary shall report to the legislature on or
25 before the 15th day of each regular legislative session.

26 New Sec. 14. (a) If no moneys are appropriated for the purpose of
27 carrying out the provisions of this act, then this act shall have no force or
28 effect.

29 (b) If any provision of this act is held to be unconstitutional under
30 the United States or Kansas constitutions, that provision shall be severed
31 from the act, and the other provisions of this act shall remain valid and in
32 effect pursuant to the requirements of subsection (a).

33 Sec. 15. K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431
34 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002
35 and 25-3104 are hereby repealed.

36 Sec. 16. This act shall take effect and be in force from and after
37 January 1, 2012, and its publication in the statute book.

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