AN ACT concerning voter registration; relating to the provision for applicants of birth certificates by the state to show evidence of United States citizenship; amending K.S.A. 65-2422d and K.S.A. 2018 Supp. 25-2309 and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the national mail voter registration form issued pursuant to federal law.

Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

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

(1) Name;

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

(3) date of birth;

(4) sex;

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

(6) telephone number, if available;
naturalization data (if applicable);
(8) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
(9) when present residence established;
(10) name under which applicant last registered or voted, if different from present name;
(11) an attestation that the applicant meets each eligibility requirement;
(12) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
(13) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
(14) a statement that if an applicant does register to vote, the office to which a voter registration application is submitted will remain confidential and will be used only for voter registration purposes;
(15) boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States, together with the question "Are you a citizen of the United States of America?" The question shall be followed by a statement "Proof of United States citizenship is required by Kansas law. You may, but are not required, to provide proof of United States citizenship at the time you complete this application. If you do not provide proof of United States citizenship with your application and you were born in Kansas, checking the box to indicate you are a citizen of the United States of America constitutes consent for the county election officer or chief state election official, if the county election officer or chief state election official chooses to do so, to obtain your birth certificate from the state registrar of vital statistics for the purpose of establishing your citizenship. If you do not provide proof of United States citizenship with your application and you were not born in Kansas, checking the box to indicate you are a citizen of the United States of America, indicating your place of birth and providing the agency and agency address where the county election officer or chief state election official may obtain your certificate of birth shall constitute consent for the county election officer or chief state election official, if the county election officer or chief state election official chooses to do so, to obtain your birth certificate from the agency at the address you provide for the purpose of establishing your citizenship." The statement shall be followed with appropriately labeled space for the applicant to provide their place of birth and if applicable, the agency and address where their birth records are available;
(16) boxes for the county election officer or chief state election official to check to indicate whether the applicant has provided with the
application the information necessary to assess the eligibility of the applicant, including such applicant's United States citizenship, and boxes for the county election officer or chief state election official to check to indicate whether the applicant has not provided with the application the information necessary to assess the applicant's United States citizenship, but has marked the box indicating the applicant is a United States citizen and thereby consented to the county election officer or chief state election official to obtain the applicant's birth record from the state registrar of vital statistics or the agency at the address provided by the applicant, as the case may be;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) (1) If an applicant fails to answer the question prescribed in
subsection (b)(15), the county election officer shall send the application to
the applicant at the postal delivery address given on the application, by
nonforwardable mail, with a notice of incompleteness. The notice shall
specify a period of time during which the applicant may complete the
application in accordance with K.S.A. 25-2311, and amendments thereto,
and be eligible to vote in the next election.

(2) If the applicant fails to provide proof of United States citizenship
and gives consent for the county election officer to obtain proof of United
States citizenship as provided in subsection (b)(15), but the county election
officer declines to obtain proof of United States citizenship for the
applicant, the county election officer shall so notify the applicant and in
addition, send the application and the notice as provided in paragraph (1)
to the applicant.

(l) The county election officer or secretary of state's office shall
accept any completed application for registration, but an applicant shall
not be registered until the applicant has provided satisfactory evidence of
United States citizenship has been obtained. Evidence of United States
citizenship as required in this section will be satisfied by presenting one of
the documents listed in subsections (l)(1) through (l)(13) in person at the
time of filing the application for registration or by including a photocopy
of one of the following documents with a mailed registration application.
When an applicant gives consent as provided by subsection (a)(15),
evidence of United States citizenship may be satisfied by the county
election officer or chief state election official obtaining the applicant's
certificate of birth from the state registrar of vital statistics, or from the
agency of another state designated by the applicant at the address
provided by the applicant, as the case may be. If the certificate of birth is
obtained for the applicant, it shall be obtained at no cost to the applicant.
In the event the agency designated by the applicant refuses to provide or
cannot provide the applicant's certificate of birth, the county election
officer or chief state election official shall notify the applicant and may
assist the applicant in obtaining proof of United States citizenship. After a
person has submitted satisfactory evidence of citizenship has been
obtained, the county election officer shall indicate this information in the
person's permanent voter file. Evidence of United States citizenship shall
be satisfied by providing one of the following, or a legible photocopy of
one of the following documents:
(1) The applicant's driver's license or nondriver's identification card
issued by the division of vehicles or the equivalent governmental agency
of another state within the United States if the agency indicates on the
applicant's driver's license or nondriver's identification card that the person
has provided satisfactory proof of United States citizenship;
(2) the applicant's birth certificate that verifies United States
citizenship to the satisfaction of the county election officer or secretary of
state, obtained by the county election officer or the chief state election
official when consent is given by the applicant, as provided by subsection
(a)(15) and (l), or provided by the applicant, as the case may be;
(3) pertinent pages of the applicant's United States valid or expired
passport identifying the applicant and the applicant's passport number, or
presentation to the county election officer of the applicant's United States
passport;
(4) the applicant's United States naturalization documents or the
number of the certificate of naturalization. If only the number of the
certificate of naturalization is provided, the applicant shall not be included
in the registration rolls until the number of the certificate of naturalization
is verified with the United States bureau of citizenship and immigration
services by the county election officer or the secretary of state, pursuant to
8 U.S.C. § 1373(c);
(5) other documents or methods of proof of United States citizenship
issued by the federal government pursuant to the immigration and
nationality act of 1952, and amendments thereto;
(6) the applicant's bureau of Indian affairs card number, tribal treaty
card number or tribal enrollment number;
(7) the applicant's consular report of birth abroad of a citizen of the
United States of America;
(8) the applicant's certificate of citizenship issued by the United
States citizenship and immigration services;
(9) the applicant's certification of report of birth issued by the United
States department of state;
(10) the applicant's American Indian card, with KIC classification,
issued by the United States department of homeland security;
(11) the applicant's final adoption decree showing the applicant's
name and United States birthplace;
(12) the applicant's official United States military record of service
showing the applicant's place of birth in the United States; or
(13) an extract from a United States hospital record of birth created at
the time of the applicant's birth indicating the applicant's place of birth in
the United States.

(m) If an applicant is a United States citizen but does not have any of
the documentation listed in this section as satisfactory evidence of United
States citizenship, or the county election officer or chief state election
official declines or is unable to obtain the applicant's birth certificate,
such applicant may submit any evidence that such applicant believes
demonstrates the applicant's United States citizenship.

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

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

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

(4) If an applicant submits an application and any supporting
evidence prior to the close of registration for an election cycle, a
determination by the state election board shall be issued at least five days
before such election date.

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

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

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

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

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

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

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

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

(r) All documents submitted or obtained as evidence of citizenship
shall be kept confidential by the county election officer or the secretary of
state and maintained as provided by Kansas record retention laws. The
provisions of this subsection shall expire on July 1, 2021, unless the
legislature reviews and reenacts this provision prior to July 1, 2021.

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

(t) Nothing in this section shall prohibit an applicant from providing,
or the secretary of state or county election officer from obtaining
satisfactory evidence of United States citizenship, as described in
subsection (1), at a different time or in a different manner than an
application for registration is provided, as long as the applicant's eligibility
can be adequately assessed by the secretary of state or county election
officer as required by this section.

Sec. 2. K.S.A. 65-2422d is hereby amended to read as follows: 65-
2422d. (a) The records and files of the division of public health pertaining
to vital statistics shall be open to inspection, subject to the provisions of
the uniform vital statistics act and rules and regulations of the secretary. It
shall be unlawful for any officer or employee of the state to disclose data
contained in vital statistical records, except as authorized by the uniform
vital statistics act and the secretary, and it shall be unlawful for anyone
who possesses, stores or in any way handles vital statistics records under
contract with the state to disclose any data contained in the records, except
as authorized by law.

(b) No information concerning the birth of a child shall be disclosed
in a manner that enables determination that the child was born out of
wedlock, except upon order of a court in a case where the information is
necessary for the determination of personal or property rights and then
only for that purpose, or except that employees of the office of child
support enforcement of the federal department of health and human
services shall be provided information when the information is necessary
to ensure compliance with federal reporting and audit requirements
pursuant to title IV-D of the federal social security act or except that the
secretary for children and families or the secretary's designee performing
child support enforcement functions pursuant to title IV-D of the federal
social security act shall be provided information and copies of birth
certificates when the information is necessary to establish parentage in
legal actions or to ensure compliance with federal reporting and audit
requirements pursuant to title IV-D of the federal social security act.
Nothing in this subsection shall be construed as exempting such
employees of the federal department of health and human services or the
secretary for children and families or the secretary's designee from the fees
prescribed by K.S.A. 65-2418, and amendments thereto.

(c) Except as provided in subsection (b), and amendments thereto, the
state registrar shall not permit inspection of the records or issue a certified
copy or abstract of a certificate or part thereof unless the state registrar is
satisfied the applicant therefor has a direct interest in the matter recorded
and the information contained in the record is necessary for the
determination of personal or property rights. The state registrar's decision
shall be subject, however, to review by the secretary or by a court in
accordance with the Kansas judicial review act, subject to the limitations
of this section.

(d) The secretary shall permit the use of data contained in vital
statistical records for research purposes only, but no identifying use of
them shall be made. The secretary shall permit the use of birth, death and
stillbirth certificates as identifiable data for purposes of maternal and child
health surveillance and monitoring. The secretary or the secretary's
designee may interview individuals for purposes of maternal and child
health surveillance and monitoring only with an approval of the health and
environmental institutional review board as provided in title 45, part 46 of
the code of federal regulations. The secretary shall inform such individuals
that the participation in such surveillance and monitoring is voluntary and
may only be conducted with the written consent of the person who is the
subject of the information or with the informed consent of a parent or legal
guardian if the person is under 18 years of age. Informed consent is not
required if the person who is the subject of the information is deceased.
(e) Subject to the provisions of this section the secretary may direct
the state registrar to release birth, death and stillbirth certificate data to
federal, state or municipal agencies.
(f) On or before the 20th day of each month, the state registrar shall
furnish to the county election officer of each county and the clerk of the
district court in each county, without charge, a list of deceased residents of
the county who were at least 18 years of age and for whom death
certificates have been filed in the office of the state registrar during the
preceding calendar month. The list shall include the name, age or date of
birth, address and date of death of each of the deceased persons and shall
be used solely by the election officer for the purpose of correcting records
of their offices and by the clerk of the district court in each county for the
purpose of correcting juror information for such county. Information
provided under this subsection to the clerk of the district court shall be
considered confidential and shall not be disclosed to the public. The
provisions of subsection (b) of K.S.A. 45-229(b), and amendments thereto,
shall not apply to the provisions of this subsection.
(g) No person shall prepare or issue any certificate which purports to
be an original, certified copy or abstract or copy of a certificate of birth,
death or fetal death, except as authorized in this act or rules and
regulations adopted under this act.
(h) Records of births, deaths or marriages which are not in the
custody of the secretary of health and environment and which were created
before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of
Kansas, and any copies of such records, shall be open to inspection by any
person and the provisions of this section shall not apply to such records.
(i) Social security numbers furnished pursuant to K.S.A. 65-2409a,
and amendments thereto, shall only be used as permitted by title IV-D of
the federal social security act, and amendments thereto, or as permitted by
section 7(a) of the federal privacy act of 1974, and amendments thereto.
The secretary shall make social security numbers furnished pursuant to
K.S.A. 65-2409a, and amendments thereto, available to the Kansas
department for children and families for purposes permitted under title IV-
D of the federal social security act.
(j) Fact of death information may be disseminated to state and federal
agencies administering benefit programs. Such information shall be used
for file clearance purposes only.
(k) Upon request and presentation of a voter registration application
or copy thereof demonstrating consent by the applicant, as provided by
K.S.A. 25-2309, and amendments thereto, the state registrar shall furnish
to a county election officer or the chief state election official, without charge, a certified copy of the applicant's certificate of birth, or a statement that the certificate of birth cannot be located.

Sec. 3. K.S.A. 65-2422d and K.S.A. 2018 Supp. 25-2309 are hereby repealed.

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