

## HOUSE BILL No. 2437

By Committee on Elections

1-12

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1 AN ACT concerning elections; relating to voting; changing effective date  
2 of United States citizenship requirements; amending K.S.A. 2011 Supp.  
3 25-2309 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 25-2309 is hereby amended to read as  
7 follows: 25-2309. (a) Any person may apply in person, by mail, through a  
8 voter registration agency, or by other delivery to a county election officer  
9 to be registered. Such application shall be made on: (1) A form approved  
10 by the secretary of state, which shall be provided by a county election  
11 officer or chief state election official upon request in person, by telephone  
12 or in writing; or (2) the national mail voter registration form issued  
13 pursuant to federal law. Such application shall be signed by the applicant  
14 under penalty of perjury and shall contain the original signature of the  
15 applicant or the computerized, electronic or digitized transmitted signature  
16 of the applicant. A signature may be made by mark, initials, typewriter,  
17 print, stamp, symbol or any other manner if by placing the signature on the  
18 document the person intends the signature to be binding. A signature may  
19 be made by another person at the voter's direction if the signature reflects  
20 such voter's intention.

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

- 27 (1) Name;
- 28 (2) place of residence, including specific address or location, and  
29 mailing address if the residence address is not a permissible postal address;
- 30 (3) date of birth;
- 31 (4) sex;
- 32 (5) the last four digits of the person's social security number or the  
33 person's full driver's license or nondriver's identification card number;
- 34 (6) telephone number, if available;
- 35 (7) naturalization data (if applicable);
- 36 (8) if applicant has previously registered or voted elsewhere,

1 residence at time of last registration or voting;

2 (9) when present residence established;

3 (10) name under which applicant last registered or voted, if different  
4 from present name;

5 (11) an attestation that the applicant meets each eligibility  
6 requirement;

7 (12) a statement that the penalty for submission of a false voter  
8 registration application is a maximum presumptive sentence of 17 months  
9 in prison;

10 (13) a statement that, if an applicant declines to register to vote, the  
11 fact that the applicant has declined to register will remain confidential and  
12 will be used only for voter registration purposes;

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

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

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

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

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

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

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

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

43 (c) Any person who applies for registration through a voter

1 registration agency shall be provided with, in addition to the application  
2 under subsection (b), a form which includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (l) The county election officer or secretary of state's office shall  
30 accept any completed application for registration, but an applicant shall  
31 not be registered until the applicant has provided satisfactory evidence of  
32 United States citizenship. Evidence of United States citizenship as  
33 required in this section will be satisfied by presenting one of the  
34 documents listed in paragraphs (1) through (13) of subsection (l) in person  
35 at the time of filing the application for registration or by including a  
36 photocopy of one of the following documents with a mailed registration  
37 application. After a person has submitted satisfactory evidence of  
38 citizenship, the county election officer shall indicate this information in the  
39 person's permanent voter file. Evidence of United States citizenship shall  
40 be satisfied by providing one of the following, or a legible photocopy of  
41 one of the following documents:

42 (1) The applicant's driver's license or nondriver's identification card  
43 issued by the division of vehicles or the equivalent governmental agency

1 of another state within the United States if the agency indicates on the  
2 applicant's driver's license or nondriver's identification card that the  
3 person has provided satisfactory proof of United States citizenship;

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

7 (3) pertinent pages of the applicant's United States valid or expired  
8 passport identifying the applicant and the applicant's passport number, or  
9 presentation to the county election officer of the applicant's United States  
10 passport;

11 (4) the applicant's United States naturalization documents or the  
12 number of the certificate of naturalization. If only the number of the  
13 certificate of naturalization is provided, the applicant shall not be included  
14 in the registration rolls until the number of the certificate of naturalization  
15 is verified with the United States bureau of citizenship and immigration  
16 services by the county election officer or the secretary of state, pursuant to  
17 8 U.S.C. § 1373(c);

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

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

23 (7) the applicant's consular report of birth abroad of a citizen of the  
24 United States of America;

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

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

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

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

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

35 (13) an extract from a United States hospital record of birth created at  
36 the time of the applicant's birth indicating the applicant's place of birth in  
37 the United States.

38 (m) If an applicant is a United States citizen but does not have any of  
39 the documentation listed in this section as satisfactory evidence of United  
40 States citizenship, such applicant may submit any evidence that such  
41 applicant believes demonstrates the applicant's United States citizenship.

42 (1) Any applicant seeking an assessment of evidence under this  
43 subsection may directly contact the elections division of the secretary of

1 state by submitting a voter registration application or form as described by  
2 this section and any supporting evidence of United States citizenship.  
3 Upon receipt of this information, the secretary of state shall notify the state  
4 election board, as established under K.S.A. 25-2203, and amendments  
5 thereto, that such application is pending.

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

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

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

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

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

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

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

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

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

1 an affidavit:

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

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

12 (r) All documents submitted as evidence of citizenship shall be kept  
13 confidential by the county election officer or the secretary of state and  
14 maintained as provided by Kansas record retention laws. The provisions of  
15 this subsection shall expire on July 1, 2016, unless the legislature reviews  
16 and reenacts this provision pursuant to K.S.A. 45-229, and amendments  
17 thereto, prior to July 1, 2016.

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

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

27 (u) The proof of citizenship requirements of this section shall not  
28 become effective until ~~January 1, 2013~~ *June 15, 2012*.

29 Sec. 2. K.S.A. 2011 Supp. 25-2309 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its  
31 publication in the Kansas register.

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