AN ACT concerning elections; enacting the help Kansas vote act; amending the crime of perjury; amending K.S.A. 2014 Supp. 21-5903 and 25-2309 and repealing the existing sections.

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

Section 1. K.S.A. 2014 Supp. 21-5903 is hereby amended to read as follows: 21-5903. (a) Perjury is intentionally and falsely:

(1) Swearing, testifying, affirming, declaring or subscribing to any material fact upon any oath or affirmation legally administered in any cause, matter or proceeding before any court, tribunal, public body, notary public or other officer authorized to administer oaths; or

(2) subscribing as true and correct under penalty of perjury any material matter in any declaration, verification, certificate or statement as permitted by K.S.A. 53-601, and amendments thereto.

(b) Perjury is a:

(1) Severity level 9, nonperson felony, except as provided in subsection (b)(2); and

(2) severity level 7, nonperson felony if the false statement is made upon the trial of a felony charge; and

(3) subscribing as true and correct under penalty of perjury the affidavit as provided in K.S.A. 25-2309(m)(2), and amendments thereto.

Sec. 2. K.S.A. 2014 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) This section shall be known and may be cited as the "help Kansas vote act."

(b) 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) (c) 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 nondriver's identification card number;
6. telephone number, if available;
7. 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?";
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;
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.

(e) (d) Any person who applies for registration through a voter registration agency shall be provided with, in addition to the application under subsection (c), 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, (ii): (A) 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."

(iii) (B) 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) (C) 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) (D) 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."

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

(e) (f) 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.

(5) (g) 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.

(6) (h) 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.

(i) 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.

(j) 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.

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

(l) If an applicant fails to answer the question prescribed in
paragraph (15) of subsection (b) (c)(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.

(4) (m) 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. Evidence of United States citizenship as
required in this section will be satisfied by presenting one of the
documents listed in paragraphs (1) through (13) of this subsection-(4) 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. After a person has submitted satisfactory evidence of
citizenship, 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;

(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;

(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; or

(14) a signed affidavit swearing under oath the following: "I am a United States citizen. I meet the eligibility requirements of my state and subscribe to any oath required. The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned or (if not a U.S. citizen) deported from or refused entry to the United States." Note: The crime of perjury is a severity level 9, nonperson felony.

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, 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. 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 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.

(o) 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.

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

(q) 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.

(r) If evidence of citizenship is deemed to be unsatisfactory due to
an inconsistency between the document submitted 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 as evidence of
citizenship. However, there shall be no inconsistency between the date of
birth on the document provided 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.

(s) All documents submitted 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, 2016, unless the legislature reviews
and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.

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

(u) 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 (m), 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.

The proof of citizenship requirements of this section shall not become effective until January 1, 2013.

Sec. 3. K.S.A. 2014 Supp. 21-5903 and 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.