

## SENATE BILL No. 333

By Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and  
Pettey

1-19

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1 AN ACT concerning elections; relating to voter registration; concerning  
2 citizenship requirements; amending K.S.A. 2015 Supp. 25-2309 and  
3 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. 2015 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);

1 (8) if applicant has previously registered or voted elsewhere,  
2 residence at time of last registration or voting;

3 (9) when present residence established;

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

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

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

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

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

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

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

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

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

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

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

35 (21) *boxes for the applicant to check to indicate whether or not the*  
36 *applicant was born in Kansas and a blank for the applicant to provide*  
37 *relevant information to substantiate that the applicant was born in*  
38 *Kansas, including, but not limited to, maiden name, birth name, date of*  
39 *birth and the county in which the applicant was born.*

40 If the application discloses any previous registration in any other  
41 county or state, as indicated by paragraph (8) or (10), or otherwise, the  
42 county election officer shall upon the registration of the applicant, give  
43 notice to the election official of the place of former registration, notifying

1 such official of applicant's present residence and registration, and  
2 authorizing cancellation of such former registration. This section shall be  
3 interpreted and applied in accordance with federal law. No eligible  
4 applicant whose qualifications have been assessed shall be denied  
5 registration.

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

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

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

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

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

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

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

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

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

36 (e) A voter registration agency shall transmit the completed  
37 registration application to the county election officer not later than five  
38 days after the date of acceptance. Upon receipt of an application for  
39 registration, the county election officer shall send, by nonforwardable  
40 mail, a notice of disposition of the application to the applicant at the postal  
41 delivery address shown on the application. If a notice of disposition is  
42 returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-  
43 2316c, and amendments thereto, shall occur.

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

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

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

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

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

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

36 (l) *Except as provided in subsection (m)*, the county election officer or  
37 secretary of state's office shall accept any completed application for  
38 registration, but an applicant shall not be registered until the applicant has  
39 provided satisfactory evidence of United States citizenship. Evidence of  
40 United States citizenship as required in this section will be satisfied by  
41 presenting one of the documents listed in ~~paragraphs (1) through (13)~~ of  
42 subsection (l)(1) *through (13)* in person at the time of filing the application  
43 for registration or by including a photocopy of one of the following

1 documents with a mailed registration application. After a person has  
2 submitted satisfactory evidence of citizenship, the county election officer  
3 shall indicate this information in the person's permanent voter file.  
4 Evidence of United States citizenship shall be satisfied by providing one of  
5 the following, or a legible photocopy of one of the following documents:

6 (1) The applicant's driver's license or nondriver's identification card  
7 issued by the division of vehicles or the equivalent governmental agency  
8 of another state within the United States if the agency indicates on the  
9 applicant's driver's license or nondriver's identification card that the person  
10 has provided satisfactory proof of United States citizenship;

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

14 (3) pertinent pages of the applicant's United States valid or expired  
15 passport identifying the applicant and the applicant's passport number, or  
16 presentation to the county election officer of the applicant's United States  
17 passport;

18 (4) the applicant's United States naturalization documents or the  
19 number of the certificate of naturalization. If only the number of the  
20 certificate of naturalization is provided, the applicant shall not be included  
21 in the registration rolls until the number of the certificate of naturalization  
22 is verified with the United States bureau of citizenship and immigration  
23 services by the county election officer or the secretary of state, pursuant to  
24 8 U.S.C. § 1373(c);

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

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

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

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

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

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

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

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

42 (13) an extract from a United States hospital record of birth created at  
43 the time of the applicant's birth indicating the applicant's place of birth in

1 the United States.

2 (m) *An applicant who was born in Kansas shall not be required to*  
3 *present proof of citizenship as provided in subsection (l). Upon receipt of a*  
4 *voter registration application that indicates that an applicant was born in*  
5 *Kansas, the county election official or the secretary of state shall provide*  
6 *the state registrar of vital statistics with the information provided by the*  
7 *applicant in the blank described in subsection (b)(21), in order to verify*  
8 *the citizenship status of the applicant. The applicant shall not be charged*  
9 *a fee for the verification of citizenship status pursuant to this subsection.*

10 (n) If an applicant is a United States citizen but does not have any of  
11 the documentation listed in this section as satisfactory evidence of United  
12 States citizenship, such applicant may submit any evidence that such  
13 applicant believes demonstrates the applicant's United States citizenship.

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

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

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

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

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

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

1 judgment pursuant to 8 U.S.C. § 1503, demonstrating that such applicant is  
2 a national of the United States.

3 ~~(h)~~ (o) Any person who is registered in this state on the effective date  
4 of this amendment to this section is deemed to have provided satisfactory  
5 evidence of citizenship and shall not be required to resubmit evidence of  
6 citizenship.

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

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

13 ~~(h)~~ (r) If evidence of citizenship is deemed to be unsatisfactory due to  
14 an inconsistency between the document submitted as evidence and the  
15 name or sex provided on the application for registration, such applicant  
16 may sign an affidavit:

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

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

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

33 ~~(h)~~ (t) The secretary of state may adopt rules and regulations ~~to~~ in  
34 order to implement the provisions of this section.

35 ~~(h)~~ (u) Nothing in this section shall prohibit an applicant from  
36 providing, or the secretary of state or county election officer from  
37 obtaining satisfactory evidence of United States citizenship, as described  
38 in subsection (1), at a different time or in a different manner than an  
39 application for registration is provided, as long as the applicant's eligibility  
40 can be adequately assessed by the secretary of state or county election  
41 officer as required by this section.

42 ~~(h)~~ (v) The proof of citizenship requirements of this section shall not  
43 become effective until January 1, 2013.

1       Sec. 2. K.S.A. 2015 Supp. 25-2309 is hereby repealed.

2       Sec. 3. This act shall take effect and be in force from and after its  
3       publication in the statute book.