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

Section 1. K.S.A. 2016 Supp. 25-210 is hereby amended to read as follows: 25-210. (a) The official primary election ballot for national and state offices and the official primary election ballot for county and township offices of each political party shall be arranged on the ballot, printed, voted, and canvassed in the same manner as is now or hereafter provided by law for the arrangement, printing, voting, and canvassing of official general ballots for national and state offices and official general ballots for county and township offices, except as otherwise provided by law.

(b) The official primary election ballot for municipal elections in odd-numbered years shall be arranged and printed by the county election officer.

(c) Nothing in this section or in any other provision of state law shall be construed as requiring national offices to be on the same ballot as state, county and township offices.

Sec. 2. K.S.A. 2016 Supp. 25-414 is hereby amended to read as follows: 25-414. (a) It shall be the duty of each judge of election to challenge any person offering to vote, whom the judge shall know or suspect not to be qualified as an elector.

(b) A person who: (1) Has moved from an address in the registration book to another address in the same county; or (2) has not moved, but the registration list indicates otherwise, is a qualified elector, but shall be challenged by an election judge and entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.

(c) A person who has not provided satisfactory evidence of citizenship as required by K.S.A. 25-2309, and amendments thereto, but who is nevertheless registered to vote in elections for federal office resulting from a court's enjoining, invalidating or in any way rendering unenforceable the requirement that one provide satisfactory evidence of citizenship prior to being registered to vote, shall be entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.
Any person who votes after the polling place hours prescribed in K.S.A. 25-106, and amendments thereto, pursuant to a court or other order is entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.

The application shall be delivered to the election judges and attached to the provisional ballot envelope. Such application and ballot envelope containing the ballot shall be transmitted to the county election officer with election returns and supplies.

Following the determination of acceptance or rejection of any provisional ballot by the county board of canvassers, the county election officer shall update the registration record, if appropriate, for voting in future elections, and send, by nonforwardable first-class mail, to the address specified on the application, notice of disposition of the application. The registrant's name shall not be removed from the official list of eligible voters by reason of such a change of address except as provided in K.S.A. 25-2316c, and amendments thereto.

Sec. 3. K.S.A. 25-601 is hereby amended to read as follows: 25-601.

(a) The secretary of state shall prescribe the ballot format but ballots shall contain the information required by this section and be substantially in the form set out in this section. The official general ballot for national, state, county and township offices may be printed upon one ballot. All official general ballots shall be printed in black ink on paper through which the printing or writing cannot be read. The ballots shall be printed on white paper or paper colored as authorized by rules and regulations adopted by the secretary of state.

On the back or outside of each official general ballot, so as to appear when folded, shall be printed the words "official general ballot," followed by the words "national, state, county and township offices," followed by the voting place for which the ballot is prepared and the date of the election. No person's name shall appear on the back or outside of a ballot. All nominations made and certified as provided by law, and none other, shall be printed on the official general ballot. The names of candidates for every office to be voted for at the general election shall be arranged under the office to which each has been nominated.

(b) Nothing in this section or in any other provision of state law shall be construed as requiring the names of candidates for both national and state, county and township offices to appear upon one ballot or as requiring a ballot to contain national, state, county and township offices together.

Sec. 4. K.S.A. 2016 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. The 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 The 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 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 the 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 the official of applicant's present residence and registration, and authorizing cancellation of the 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 the
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 The 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 the 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) 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.

(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. If any provision of this statute is enjoined,
invalidated or otherwise unenforceable as to elections for federal office,
an applicant shall not be registered for any elections, except for elections
for federal office, 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
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. 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; 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, such the 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 the 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 the election date.

(5) If the state election board finds that the evidence presented by
such the applicant constitutes satisfactory evidence of United States
citizenship, such the 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 the 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 the
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 as evidence and the name
or sex provided on the application for registration, such the 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.

(r) 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, 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.

(u) In the event that a court enjoins, invalidates or otherwise renders
unenforceable in any way any provision of this act as it applies to
elections for federal office, the secretary of state shall adopt rules and
regulations to ensure that until voter registration applicants have provided
satisfactory evidence of citizenship, they shall not be registered to vote for
any election except for elections for federal office.

Sec. 5. K.S.A. 2016 Supp. 25-2352 is hereby amended to read as
follows: 25-2352. (a) (1) Each Kansas division of motor vehicles driver's
license application and nondriver identification card application (including
any renewal application) submitted to a division of motor vehicles office
in Kansas shall serve as an application for voter registration unless the
applicant fails to sign the voter registration application. An individual who
completes the application for voter registration and is otherwise eligible
shall be registered to vote in accordance with the information supplied by
the individual.

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

(b) The voter registration section of the application:

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

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

(3) shall include 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;
(4) shall include a statement that if an applicant does register to vote,
the office at which the applicant submits a voter registration application
will remain confidential and will be used only for voter registration
purposes;
(5) shall be made available by the division of vehicles (as submitted
by the applicant, or in machine-readable or other format) to the secretary
of state and county election officers, as provided by rules and regulations
adopted by the secretary of state; and
(6) shall be transmitted to the county election officer not later than
five days after the date of acceptance.
(c) The motor vehicle driver's license and nondriver identification
card form used for change of residence address shall also serve as a
notification of change of residence address for voter registration for
elections, unless the registrant states on the form that the change is not for
voter registration purposes.
(d) The voter registration portion of the motor vehicle driver's license
and nondriver identification card applications and change of address forms
used shall be subject to approval by the secretary of state for purposes of
voter registration under this section.
(e) Following the line fixed for the signature of the applicant on the
application for voter registration, a statement shall be printed stating that
the penalty for submission of a false voter registration application is a
maximum presumptive sentence of 17 months in prison.
(f) The department of revenue or an employee of the department of
revenue acting within the scope of the employee's employment shall not be
liable for any damages resulting from any claim based on the department
of revenue's transfer of any motor vehicle record information to the
secretary of state that is required or permitted by law.
(g) The secretary of state is hereby authorized to adopt such rules and
regulations in the manner prescribed by law as may be necessary for the
administration of the provisions of this section.
(h) In the event that the requirement that an individual provide
satisfactory evidence of citizenship prior to being registered to vote is
enjoined, invalidated or otherwise rendered unenforceable by any court as
it relates to elections for federal office, the secretary of state shall issue
rules and regulations to ensure that an individual shall not be registered to
vote for any election except for elections for federal office until such
applicant has provided satisfactory evidence of citizenship.
Sec. 6. K.S.A. 2016 Supp. 25-3002 is hereby amended to read as
follows: 25-3002. (a) The rules prescribed in this section shall apply to:
(1) The original canvass by election boards.
(2) Intermediate and final canvasses by county boards of canvassers.
(3) Final canvass by the state board of canvassers.
(4) All election contests.
(5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:
(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.
(2) The occurrences listed in this subpart (2) paragraph shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in such portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this subpart (2) paragraph shall apply are:
   (A) Whenever a voting mark shall be made in the square at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.
   (B) Whenever a voting mark is placed in the square at the left of a space where no candidate is listed.
(3) When a registered voter has cast a provisional ballot intended for a precinct other than the precinct in which the voter resides but located within the same county, the canvassers shall count the votes for those offices or issues which are identical in both precincts. The canvassers shall not count the votes for those offices or issues which differ from the offices or issues appearing on the ballot used in the precinct in which the voter resides.
(4) When a voter who is registered to vote only for elections for federal office has cast a provisional ballot which contains votes for offices or issues for which the voter is not eligible to vote, the canvassers shall count the votes for only the federal offices. The canvassers shall not count the votes for those offices or issues for which the voter is not eligible to vote.
(5) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:
   (A) Both candidates' names are written on the ballot; or
   (B) only the name of the candidate for governor is written on the ballot.
A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:

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

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

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

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

No ballot cast shall be counted if the voter fails to provide valid identification as defined by K.S.A. 25-2908, and amendments thereto.


Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.