

HOUSE BILL No. 2538

By Representatives Parker and Good

1-24

1 AN ACT concerning elections; amending K.S.A. 25-1120 and K.S.A. 2017
2 Supp. 25-1122, 25-1123, 25-2309, 25-2311, 25-2316c and 65-2418 and
3 repealing the existing sections; also repealing K.S.A. 2017 Supp. 25-
4 2358.

5
6 WHEREAS, The provisions of the amendments to the sections in this
7 act shall be known and may be cited as the free state election act.

8 Now, therefore:

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

10 Section 1. K.S.A. 25-1120 is hereby amended to read as follows: 25-
11 1120. (a) When the names to appear on ballots are definitely known and
12 not later than ~~20~~ 28 days prior to any primary, general or question
13 submitted election each county election officer shall cause to be prepared
14 ~~such~~ the number of advance voting ballots and ballot envelopes as in the
15 election officer's judgment are necessary to carry out the requirements of
16 this act. Except as otherwise provided in this section, ~~such~~ the ballots shall
17 contain the names and cities of residence of all persons who are candidates
18 for all national, state, county, city, township and school offices, which
19 names may be written, typewritten or printed. On the same line with each
20 candidate's name shall be a square in the ordinary form, or parentheses in
21 which the voter can place a cross or check mark. In the case of elections
22 required by law to be conducted on a partisan basis, ~~such~~ the ballot shall
23 indicate the political party of each candidate. In all counties in which the
24 same, or reproductions of the same, ballots which are presented to electors
25 at the polls for voting on election day can be used for advance voting, the
26 names of candidates for the offices of precinct committeeman and
27 committeewoman shall be printed on the ballots. In counties in which
28 ballots or reproductions of ballots presented to electors at the polls for
29 voting on election day cannot be used for advance voting, the ballots may
30 contain blank lines for writing in names of candidates for precinct
31 committeemen and committeewomen together with the number of the
32 precinct or name of the township of such candidate. On the same line with
33 each blank line shall be a square in the ordinary form or parenthesis in
34 which the voter can place the appropriate mark.

35 (b) The county election officer of any county may number ~~such~~ the
36 advance voting ballots. If the county election officer of any county elects

1 to prepare advance voting ballots and ballot envelopes without identifying
 2 consecutive numbers, ~~such~~ the officer shall prepare and distribute ~~such~~ the
 3 ballots and envelopes in accordance with a plan approved by the secretary
 4 of state. If the county election officer elects to number ~~such~~ the ballots, all
 5 advance voting ballots shall be consecutively numbered, and the ballot
 6 envelope for each ballot, if ~~such~~ the envelope is required as provided in
 7 K.S.A. 25-1123, and amendments thereto, shall bear the same number as
 8 the ballot. The ballot envelope shall also bear a declaration in substance as
 9 follows:

10 THIS DECLARATION MUST BE COMPLETED AND SIGNED

11 "I _____ do hereby declare that I marked the enclosed
 12 ballot and that such ballot was enclosed and sealed in this envelope by me.
 13 My legal residence is in the _____ precinct, _____
 14 township, (or, in the _____ precinct of the _____
 15 ward, _____ street in the city of _____), in the
 16 county of _____, state of Kansas.

17 (Signed) _____."

18
 19 (c) The ballot envelope shall also contain a statement advising the
 20 voter that the signed envelope will be separated from the ballot to
 21 guarantee the confidentiality of the vote cast.

22 (d) The ballot envelope to be used for voting by a former precinct
 23 resident shall also state the place of former residence of the voter and the
 24 date of removal therefrom to the voter's present residence.

25 Sec. 2. K.S.A. 2017 Supp. 25-1122 is hereby amended to read as
 26 follows: 25-1122. (a) Any registered voter may file with the county
 27 election officer where the person is a resident, or where the person is
 28 authorized by law to vote as a former precinct resident, an application for
 29 an advance voting ballot. *At the option of the applicant, the application for*
 30 *an advance voting ballot shall also be considered an application for*
 31 *permanent advance voting status as provided in subsection (g).* The signed
 32 application shall be transmitted only to the county election officer by
 33 personal delivery, mail, facsimile or as otherwise provided by law.

34 (b) If the registered voter is applying for an advance voting ballot to
 35 be transmitted in person, the voter shall provide identification pursuant to
 36 K.S.A. 25-2908, and amendments thereto.

37 (c) If the registered voter is applying for an advance voting ballot to
 38 be transmitted by mail, the voter shall provide with the application for an
 39 advance voting ballot the voter's current and valid Kansas driver's license
 40 number, nondriver's identification card number or a photocopy of any
 41 other identification provided by K.S.A. 25-2908, and amendments thereto.

42 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
 43 and amendments thereto, if:

1 (1) The voter is unable or refuses to provide current and valid
2 identification; or

3 (2) the name and address of the voter provided on the application for
4 an advance voting ballot do not match the voter's name and address on the
5 registration book. The voter shall provide a valid form of identification as
6 defined in K.S.A. 25-2908, and amendments thereto, to the county election
7 officer in person or provide a copy by mail or electronic means before the
8 meeting of the county board of canvassers. At the meeting of the county
9 board of canvassers the county election officer shall present copies of
10 identification received from provisional voters and the corresponding
11 provisional ballots. If the county board of canvassers determines that a
12 voter's identification is valid and the provisional ballot was properly cast,
13 the ballot shall be counted.

14 (e) No county election officer shall provide an advance voting ballot
15 to a person who is requesting an advance voting ballot to be transmitted by
16 mail unless:

17 (1) The county election official verifies that the signature of the
18 person matches that on file in the county voter registration records.
19 Signature verification may occur by electronic device or by human
20 inspection. In the event that the signature of a person who is requesting an
21 advance voting ballot does not match that on file, the county election
22 officer shall attempt to contact the person and shall offer the person
23 another opportunity to provide the person's signature for the purposes of
24 verifying the person's identity. If the county election officer is unable to
25 reach the person, the county election officer may transmit a provisional
26 ballot, however, such provisional ballot may not be counted unless a
27 signature is included therewith that can be verified; and

28 (2) the person provides such person's full Kansas driver's license
29 number, Kansas nondriver's identification card number issued by the
30 division of vehicles, or submits such person's application for an advance
31 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
32 amendments thereto, to the county election officer for verification. If a
33 person applies for an advance voting ballot to be transmitted by mail but
34 fails to provide identification pursuant to this subsection or the
35 identification of the person cannot be verified by the county election
36 officer, the county election officer shall provide information to the person
37 regarding the voter rights provisions of subsection (d) and shall provide
38 the person an opportunity to provide identification pursuant to this
39 subsection. For the purposes of this act, Kansas state offices and offices of
40 any subdivision of the state will allow any person seeking to vote by an
41 advance voting ballot the use of a photocopying device to make one
42 photocopy of an identification document at no cost.

43 (f) Applications for advance voting ballots to be transmitted to the

1 voter by mail shall be filed only at the following times:

2 (1) For the primary election occurring on the first Tuesday in August
3 in both even-numbered and odd-numbered years, between April 1 of such
4 year and the Tuesday of the week preceding such primary election.

5 (2) For the general election occurring on the Tuesday following the
6 first Monday in November in both even-numbered and odd-numbered
7 years, between 90 days prior to such election and the Tuesday of the week
8 preceding such general election.

9 (3) For question submitted elections occurring on the date of a
10 primary or general election, the same as is provided for ballots for election
11 of officers at such election.

12 (4) For question submitted elections not occurring on the date of a
13 primary or general election, between the time of the first published notice
14 thereof and the Tuesday of the week preceding such question submitted
15 election, except that if the question submitted election is held on a day
16 other than a Tuesday, the final date for mailing of advance voting ballots
17 shall be one week before such election.

18 (5) For any special election of officers, at such time as is specified by
19 the secretary of state.

20 The county election officer of any county may receive applications
21 prior to the time specified in this subsection and hold such applications
22 until the beginning of the prescribed application period. Such applications
23 shall be treated as filed on that date.

24 (g) Unless an earlier date is designated by the county election office,
25 applications for advance voting ballots transmitted to the voter in person in
26 the office of the county election officer shall be filed on the Tuesday next
27 preceding the election and on each subsequent business day until no later
28 than 12 noon on the day preceding such election. If the county election
29 officer so provides, applications for advance voting ballots transmitted to
30 the voter in person in the office of the county election officer also may be
31 filed on the Saturday preceding the election. Upon receipt of any such
32 properly executed application, the county election officer shall deliver to
33 the voter such ballots and instructions as are provided for in this act.

34 An application for an advance voting ballot filed by a voter who has a
35 temporary illness or disability or who is not proficient in reading the
36 English language or by a person rendering assistance to such voter may be
37 filed during the regular advance ballot application periods until the close
38 of the polls on election day.

39 The county election officer may designate places other than the central
40 county election office as satellite advance voting sites. At any satellite
41 advance voting site, a registered voter may obtain an application for
42 advance voting ballots. Ballots and instructions shall be delivered to the
43 voter in the same manner and subject to the same limitations as otherwise

1 provided by this subsection.

2 ~~(h) Any person having a permanent disability or an illness which has~~
3 ~~been diagnosed as a permanent illness is hereby authorized to make an~~
4 ~~application for permanent advance voting status. Applications for~~
5 ~~permanent advance voting status shall be in the form and contain such~~
6 ~~information as is required for application for advance voting ballots and~~
7 ~~also shall contain information which establishes the voter's right to~~
8 ~~permanent advance voting status~~ *The application for an advance voting*
9 *ballot shall constitute the application for permanent advance voting status*
10 *and the information contained in the application for an advance voting*
11 *ballot as required by this section and for the application for permanent*
12 *advance voting status shall be the same. The application shall provide in a*
13 *type, size and format that is conspicuous in relation to the surrounding*
14 *material, a means for an applicant to select whether the applicant is*
15 *requesting an advance voting ballot only or also requesting permanent*
16 *advance voting status. An application for an advance voting ballot*
17 *submitted under the provisions of this section shall be considered an*
18 *application for permanent advance voting status when the option for*
19 *permanent advance voting status on the application is selected by the*
20 *applicant.*

21 (i) On receipt of any application filed under the provisions of this
22 section, the county election officer shall prepare and maintain in such
23 officer's office a list of the names of all persons who have filed such
24 applications, together with their correct post office address and the
25 precinct, ward, township or voting area in which the persons claim to be
26 registered voters or to be authorized by law to vote as former precinct
27 residents and the present resident address of each applicant. Names and
28 addresses shall remain so listed until the day of such election. The county
29 election officer shall maintain a separate listing of the names and addresses
30 of persons qualifying for permanent advance voting status. All such lists
31 shall be available for inspection upon request in compliance with this
32 subsection by any registered voter during regular business hours. The
33 county election officer upon receipt of the applications shall enter upon a
34 record kept by such officer the name and address of each applicant, which
35 record shall conform to the list above required. Before inspection of any
36 advance voting ballot application list, the person desiring to make the
37 inspection shall provide to the county election officer identification in the
38 form of driver's license or other reliable identification and shall sign a log
39 book or application form maintained by the officer stating the person's
40 name and address and showing the date and time of inspection. All records
41 made by the county election officer shall be subject to public inspection,
42 except that the voter identification information required by subsections (b)
43 and (c) and the identifying number on ballots and ballot envelopes and

1 records of such numbers shall not be made public.

2 (j) If a person on the permanent advance voting list fails to vote in
3 four consecutive general elections held on the Tuesday succeeding the first
4 Monday in November of each even-numbered and odd-numbered year, the
5 county election officer may mail a notice to such voter. The notice shall
6 inform the voter that the voter's name will be removed from the permanent
7 advance voting list unless the voter renews the application for permanent
8 advance voting status within 30 days after the notice is mailed. If the voter
9 fails to renew such application, the county election officer shall remove the
10 voter's name from the permanent advance voting list. Failure to renew the
11 application for permanent advance voting status shall not result in removal
12 of the voter's name from the voter registration list.

13 (k) The secretary of state may adopt rules and regulations in order to
14 implement the provisions of this section and to define valid forms of
15 identification.

16 Sec. 3. K.S.A. 2017 Supp. 25-1123 is hereby amended to read as
17 follows: 25-1123. (a) When an application for an advance voting ballot has
18 been filed in accordance with K.S.A. 25-1122, and amendments thereto,
19 the county election officer shall transmit to the voter applying therefor one
20 each of the appropriate ballots. ~~Unless an advance voting ballot is~~
21 ~~transmitted in person pursuant to this subsection~~ *Except as provided in*
22 *subsection (b)*, the county election officer shall transmit the advance
23 voting ballots to the voter at one of the following addresses as specified by
24 the voter on such application: (1) The voter's residential address or mailing
25 address as indicated on the registration list; (2) the voter's temporary
26 residential address; or (3) a medical care facility as defined in K.S.A. 65-
27 425, and amendments thereto, psychiatric hospital, hospice or adult care
28 home where the voter resides. No advance voting ballot shall be
29 transmitted by the county election officer by any means prior to the ~~20th~~
30 ~~28th~~ day before the election for which an application for an advance voting
31 ballot has been received by such county election officer. If the advance
32 voting ballot is transmitted by mail, such ballot shall be transmitted with
33 printed instructions prescribed by the secretary of state and a ballot
34 envelope bearing upon the outside a printed form as described in K.S.A.
35 25-1120, and amendments thereto, and the same number as the number of
36 the ballot. If the advance voting ballot is transmitted to the applicant in
37 person in the office of the county election officer or at a satellite advance
38 voting site, such advance voting ballot and printed instructions shall be
39 transmitted in an advance voting ballot envelope bearing upon the outside
40 a printed form as described in K.S.A. 25-1120, and amendments thereto,
41 and the same number as the number of the ballot unless the voter elects to
42 deposit the advance voting ballot into a locked ballot box without an
43 envelope. All ballots shall be transmitted to the advance voting voter not

1 more than 20 days before the election but within two business days of the
2 receipt of such voter's application by the election officer or the
3 commencement of such ~~20-day~~ 28-day period. In primary elections
4 required to be conducted on a partisan basis, the election officer shall
5 deliver to such voter the ballot of the political party of the applicant.

6 (b) The restrictions in subsection (a) relating to where a county
7 election officer may transmit an advance voting ballot shall not apply to an
8 advance voting ballot requested pursuant to an application for an advance
9 voting ballot filed by a voter who has a temporary illness or disability or
10 who is not proficient in reading the English language.

11 (c) The county election officer shall compare the driver's license
12 number, nondriver's identification card number, *social security number* or
13 copy of other valid identification provided by a voter to the voter
14 registration list verified by the division of vehicles in accordance with
15 federal law. If no identification information was provided by the voter or if
16 such information does not match the information on the voter registration
17 list, the county election officer shall *not* transmit ~~a provisional~~ *an* advance
18 voting ballot.

19 Sec. 4. K.S.A. 2017 Supp. 25-2309 is hereby amended to read as
20 follows: 25-2309. (a) Any person may apply in person, by mail, through a
21 voter registration agency, or by other delivery to a county election officer
22 to be registered. Such application shall be made on: (1) A form approved
23 by the secretary of state, which shall be provided by a county election
24 officer or chief state election official upon request in person, by telephone
25 or in writing; or (2) the national mail voter registration form issued
26 pursuant to federal law.

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

35 (b) Applications made under this section shall give voter eligibility
36 requirements and such information as is necessary to ~~prevent duplicative~~
37 ~~voter registrations and enable the relevant election officer to assess the~~
38 ~~eligibility of the applicant and to administer voter registration~~ *identify the*
39 *applicant and to determine the qualifications of the applicant as an elector*
40 *and the facts authorizing the person to be registered*, including, but not
41 limited to, the following data to be kept by the relevant election officer as
42 provided by law:

43 (1) Name;

- 1 (2) place of residence, including specific address or location, and
2 mailing address if the residence address is not a permissible postal address;
- 3 (3) date of birth;
- 4 (4) sex;
- 5 (5) the last four digits of the person's social security number or the
6 person's full driver's license or nondriver's identification card number;
- 7 (6) telephone number, if available;
- 8 (7) naturalization data (if applicable);
- 9 (8) if *the* applicant has previously registered or voted elsewhere,
10 residence at time of last registration or voting;
- 11 (9) when present residence *was* established;
- 12 (10) name under which applicant last registered or voted, if different
13 from present name;
- 14 (11) an attestation that the applicant meets each eligibility
15 requirement;
- 16 (12) a statement that the penalty for submission of a false voter
17 registration application is a maximum presumptive sentence of 17 months
18 in prison;
- 19 (13) a statement that, if an applicant declines to register to vote, the
20 fact that the applicant has declined to register will remain confidential and
21 will be used only for voter registration purposes;
- 22 (14) a statement that if an applicant does register to vote, the office to
23 which a voter registration application is submitted will remain confidential
24 and will be used only for voter registration purposes;
- 25 (15) boxes for the applicant to check to indicate whether the applicant
26 is or is not a citizen of the United States, together with the question "Are
27 you a citizen of the United States of America?";
- 28 ~~(16) boxes for the county election officer or chief state election~~
29 ~~official to check to indicate whether the applicant has provided with the~~
30 ~~application the information necessary to assess the eligibility of the~~
31 ~~applicant, including such applicant's United States citizenship;~~
- 32 ~~(17)~~ boxes for the applicant to check to indicate whether or not the
33 applicant will be 18 years of age or older on election day, together with the
34 question "Will you be 18 years of age on or before election day?";
- 35 ~~(18)~~⁽¹⁷⁾ in reference to paragraphs (15) and ~~(17)~~ ⁽¹⁶⁾ the statement
36 "If you checked 'no' in response to either of these questions, do not
37 complete this form.";
- 38 ~~(19)~~⁽¹⁸⁾ a statement that the applicant ~~shall~~ *may* be required to
39 provide identification when voting; and
- 40 ~~(20)~~⁽¹⁹⁾ political party affiliation declaration, if any. An applicant's
41 failure to make a declaration will result in the applicant being registered as
42 an unaffiliated voter.
- 43 If the application discloses any previous registration in any other

1 county or state, as indicated by paragraph (8) or (10), or otherwise, the
2 county election officer shall upon the registration of the applicant, give
3 notice to the election official of the place of former registration, notifying
4 such official of applicant's present residence and registration, and
5 authorizing cancellation of such former registration. ~~This section shall be
6 interpreted and applied in accordance with federal law. No eligible
7 applicant whose qualifications have been assessed shall be denied
8 registration.~~

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

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

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

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

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

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

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

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

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

39 (e) A voter registration agency shall transmit the completed
40 registration application to the county election officer not later than five
41 days after the date of acceptance. Upon receipt of an application for
42 registration, the county election officer shall send, by nonforwardable
43 mail, a notice of disposition of the application to the applicant at the postal

1 delivery address shown on the application. If a notice of disposition is
2 returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-
3 2316c, and amendments thereto, shall occur.

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

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

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

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

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

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

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

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

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

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

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

20 (4) the applicant's United States naturalization documents or the
21 number of the certificate of naturalization. If only the number of the
22 certificate of naturalization is provided, the applicant shall not be included
23 in the registration rolls until the number of the certificate of naturalization
24 is verified with the United States bureau of citizenship and immigration
25 services by the county election officer or the secretary of state, pursuant to
26 8 U.S.C. § 1373(e);

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

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

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

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

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

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

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

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

1 ~~(13) — an extract from a United States hospital record of birth created at~~
2 ~~the time of the applicant's birth indicating the applicant's place of birth in~~
3 ~~the United States.~~

4 ~~(m) — If an applicant is a United States citizen but does not have any of~~
5 ~~the documentation listed in this section as satisfactory evidence of United~~
6 ~~States citizenship, such applicant may submit any evidence that such~~
7 ~~applicant believes demonstrates the applicant's United States citizenship.~~

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

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

20 ~~(3) — The state election board shall assess the evidence provided by the~~
21 ~~applicant to determine whether the applicant has provided satisfactory~~
22 ~~evidence of United States citizenship. A decision of the state election~~
23 ~~board shall be determined by a majority vote of the election board.~~

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

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

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

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

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

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

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

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

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

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

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

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

35 Sec. 5. K.S.A. 2017 Supp. 25-2311 is hereby amended to read as
36 follows: 25-2311. (a) County election officers shall provide for the
37 registration of voters at one or more places on all days except the
38 following:

39 (1) Days when the main offices of the county government are closed
40 for business, except as is otherwise provided by any county election officer
41 under the provisions of K.S.A. 25-2312, and amendments thereto; *and*

42 (2) days when the main offices of the city government are closed for
43 business, in the case of deputy county election officers who are city clerks

1 except as is otherwise provided by any county election officer under the
2 provisions of K.S.A. 25-2312, and amendments thereto;

3 ~~(3) the 20 days preceding the day of primary and general elections;~~

4 ~~(4) the 20 days preceding the day of any election other than one~~
5 ~~specified in this subsection; and~~

6 ~~(5) the day of any question submitted election.~~

7 ~~(b) For the purposes of this section in counting days that registration~~
8 ~~books are to be closed, all of the days including Sunday and legal holidays~~
9 ~~shall be counted.~~

10 ~~(c) The secretary of state shall notify every county election officer of~~
11 ~~the dates when registration shall be closed preceding primary and general~~
12 ~~elections. The days so specified by the secretary of state shall be~~
13 ~~conclusive. Such notice shall be given by the secretary of state by mail at~~
14 ~~least 60 days preceding every primary and general election.~~

15 ~~(d)-(b) The last days before closing of registration books as directed~~
16 ~~by the secretary of state under subsection (c) the state primary and general~~
17 ~~elections, county election officers shall provide for registration of voters~~
18 ~~during regular business hours, during the noon hours and at other than~~
19 ~~regular business hours upon such days as the county election officers deem~~
20 ~~necessary. The last three business days before closing of registration books~~
21 ~~prior to primary and general elections, county election officers may~~
22 ~~provide for registration of voters until 9 p.m. in any city.~~

23 ~~(e)-(c) County election officers shall provide for the registration of~~
24 ~~voters appearing at the county election office who apply for advance~~
25 ~~voting ballots to be transmitted in person. Such persons shall be permitted~~
26 ~~to register and vote immediately by regular ballots, and shall not use~~
27 ~~provisional ballots unless otherwise required by law. At any satellite~~
28 ~~advance voting sites, and at all polling places on the day of any primary~~
29 ~~or general election or question submitted election, county election officers~~
30 ~~shall provide for registration of voters pursuant to K.S.A. 25-2316c, and~~
31 ~~amendments thereto, throughout voting hours.~~

32 ~~(d) County election officers shall accept and process applications~~
33 ~~received by voter registration agencies and the division of motor vehicles~~
34 ~~not later than the 21st day preceding the date of any election; mailed voter~~
35 ~~registration applications that are postmarked not later than the 21st day~~
36 ~~preceding the date of any election; or, if the postmark is illegible or~~
37 ~~missing, is received in the mail not later than the ninth day preceding the~~
38 ~~day of any election.~~

39 ~~(f)-(e) The secretary of state may adopt rules and regulations~~
40 ~~interpreting the provisions of this section and specifying the days when~~
41 ~~registration shall be open, days when registration shall be closed, and days~~
42 ~~when it is optional with the county election officer for registration to be~~
43 ~~open or closed.~~

1 ~~(g)~~-(f) Before each primary and general election held in even-
2 numbered and odd-numbered years, and at times and in a form prescribed
3 by the secretary of state, each county election officer shall certify to the
4 secretary of state the number of registered voters in each precinct of the
5 county as shown by the registration books in the office of such county
6 election officer.

7 Sec. 6. K.S.A. 2017 Supp. 25-2316c is hereby amended to read as
8 follows: 25-2316c. (a) When a registered voter changes name by marriage,
9 divorce or legal proceeding, if ~~such~~ the voter is otherwise qualified to vote
10 at such voting place ~~such~~, the voter shall be allowed to vote a provisional
11 ballot at any election, or apply for an advance voting ballot, on the
12 condition that such voter first completes the application for registration
13 prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the
14 application shall authorize the county election officer to update the
15 registration records, if appropriate, for voting in future elections. The
16 county election officer shall send, by nonforwardable mail, a notice of
17 disposition to any voter completing ~~such~~ the application.

18 (b) When a registered voter changes residence, ~~such~~ the voter shall
19 reregister in order to be eligible to vote, except that when a registrant has
20 moved from an address on the registration book to another address within
21 the county and has not reregistered, ~~such~~ the registrant shall be allowed to
22 vote a provisional ballot at any election, or to apply for an advance voting
23 ballot, on the condition that ~~such~~ the registrant first completes the
24 application for registration prescribed by K.S.A. 25-2309, and
25 amendments thereto. Completion of the application shall authorize the
26 county election officer to update the registration record, if appropriate, for
27 voting in future elections. The county election officer shall send, by
28 nonforwardable mail, a notice of disposition to any such voter. Whenever
29 the county election officer receives from any other election officer a notice
30 of registration of a voter in a different place than that shown in the records
31 of the county election officer, ~~such~~ the officer shall remove the name of
32 such voter from the registration book and party affiliation list.

33 (c) (1) *Any person who appears either on the election day at the*
34 *polling place for the precinct in which the person resides or at a satellite*
35 *advance voting site, and who is not registered but is otherwise qualified to*
36 *vote at the voting place, shall be allowed to register and vote a provisional*
37 *ballot on election day at the precinct polling place where the person*
38 *resides or at the satellite advance voting site during the advance voting*
39 *period. The provisional ballot shall be counted, unless the county board of*
40 *canvassers determines that the provisional ballot was not properly cast or*
41 *that the person has otherwise voted at the election.*

42 (2) *In order to vote at the election, the person shall register by*
43 *completing a registration card, making an oath on the form prescribed by*

1 *the secretary of state and providing proof of residence and such other*
 2 *information as required in accordance with rules and regulations adopted*
 3 *by the secretary of state.*

4 (3) *The registration card shall authorize the county election officer to*
 5 *register the person, and the county election officer shall send, by non-*
 6 *forwardable first class mail, a certificate of registration to the person.*

7 (d) Every application for registration completed under this section
 8 shall be returned to the county election officer with the registration books.

9 ~~(d)~~(e) A registrant shall not be removed from the registration list on
 10 the ground that the registrant has changed residence unless the registrant:

11 (1) Confirms in writing that the registrant has moved outside the
 12 county in which the registrant is registered, or registers to vote in any other
 13 jurisdiction; or

14 (2) has failed to respond to the notice described in subsection ~~(e)~~(4)
 15 ~~(f)~~(4) and has not appeared to vote in an election during the period
 16 beginning on the date of the notice and ending on the day after the date of
 17 the second federal general election that occurs after the date of the notice.

18 ~~(e)~~(f) A county election officer shall send a confirmation notice upon
 19 which a registrant may state such registrant's current address, within 45
 20 days of the following events:

21 (1) A notice of disposition of an application for voter registration is
 22 returned as undeliverable;

23 (2) change of address information supplied by the national change of
 24 address program identifies a registrant whose address may have changed;

25 (3) if it appears from information provided by the postal service that a
 26 registrant has moved to a different residence address in the county in
 27 which the registrant is currently registered; or

28 (4) if it appears from information provided by the postal service that a
 29 registrant has moved to a different residence address outside the county in
 30 which the registrant is currently registered.

31 The confirmation notice shall be sent by forwardable mail and shall
 32 include a postage prepaid and preaddressed return card in a form
 33 prescribed by the chief state election official.

34 ~~(f)~~(g) Except as otherwise provided by law, when a voter dies or is
 35 disqualified for voting, the registration of the voter shall be void, and the
 36 county election officer shall remove such voter's name from the
 37 registration books and the party affiliation lists. Whenever:

38 (1) An obituary notice appears in a newspaper having general
 39 circulation in the county reports the death of a registered voter; ~~or;~~

40 (2) a registered voter requests in writing that such voter's name be
 41 removed from registration; ~~or;~~

42 (3) a court of competent jurisdiction orders removal of the name of a
 43 registered voter from registration lists; or

1 (4) the name of a registered voter appears on a list of deceased
2 residents compiled by the secretary of health and environment as provided
3 in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a
4 death certificate provided by the secretary of health and environment, or
5 appears in information provided by the social security administration, the
6 county election officer shall remove from the registration books and the
7 party affiliation lists in ~~such~~ *the* officer's office the name of any person
8 shown by ~~such~~ *the* list or death certificate to be deceased.

9 The county election officer shall not use or permit the use of ~~such~~ *the*
10 lists of deceased residents or copies for any other purpose than provided in
11 this section.

12 ~~(g)~~(h) When the chief state election official receives written notice of
13 a felony conviction in a United States district court, such official shall
14 notify within five days the county election officer of the jurisdiction in
15 which the offender resides. Upon notification of a felony conviction from
16 the chief state election official, or from a county or district attorney or a
17 Kansas district court, the county election officer shall remove the name of
18 the offender from the registration records.

19 ~~(h)~~(i) Except as otherwise provided in this section, no person whose
20 name has been removed from the registration books shall be entitled to
21 vote until ~~such~~ *the* person has registered again.

22 Sec. 7. K.S.A. 2017 Supp. 65-2418 is hereby amended to read as
23 follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and
24 regulations the fees to be paid for certified copies or abstracts of
25 certificates or for search of the files for birth, death, fetal death, marriage
26 or divorce records when no certified copy or abstract is made. Except as
27 otherwise provided in this section, the secretary shall remit all moneys
28 received by or for the secretary from fees, charges or penalties, under the
29 uniform vital statistics act, and amendments thereto, to the state treasurer
30 in accordance with the provisions of K.S.A. 75-4215, and amendments
31 thereto. Upon receipt of each such remittance, the state treasurer shall
32 deposit the entire amount in the state treasury to the credit of the civil
33 registration and health statistics fee fund created by K.S.A. 2017 Supp. 65-
34 2418e, and amendments thereto.

35 (2) The secretary shall not charge any fee for a certified copy of a
36 certificate or abstract or for a search of the files or records if the certificate,
37 abstract or search is requested by a person who exhibits correspondence
38 from the United States department of veterans affairs or the Kansas
39 commission on veterans affairs office which indicates that the person is
40 applying for benefits from the United States department of veterans affairs
41 and that such person needs the requested information to obtain such
42 benefits, except that, for a second or subsequent certified copy of a
43 certificate, abstract or search of the files requested by the person, the usual

1 fee shall be charged. The secretary may provide by rules and regulations
2 for exemptions from such fees.

3 ~~(3) The secretary shall not charge or accept any fee for a certified~~
4 ~~copy of a birth certificate if the certificate is requested by any person who~~
5 ~~is 17 years of age or older for purposes of voting if the applicant lacks the~~
6 ~~identification required by K.S.A. 25-2908(h), and amendments thereto, or~~
7 ~~to meet the voter registration requirements of K.S.A. 25-2309, and~~
8 ~~amendments thereto. For voter registration purposes, an applicant for~~
9 ~~registration shall swear under oath: (1) That such person plans to register~~
10 ~~to vote in Kansas; and (2) that such person does not possess any of the~~
11 ~~documents that constitute evidence of United States citizenship under~~
12 ~~K.S.A. 25-2309(l), and amendments thereto. The affidavit shall~~
13 ~~specifically list the documents that constitute evidence of United States~~
14 ~~citizenship under K.S.A. 25-2309(l), and amendments thereto. The~~
15 ~~secretary shall adopt rules and regulations in order to implement the~~
16 ~~provisions of this subsection.~~

17 ~~(4)~~ Upon receipt of any such remittance of a fee for a certified copy
18 of a birth certificate or abstract, \$3 of each such fee for the first copy of a
19 birth certificate or abstract and \$1 of each such fee for each additional
20 copy of the same birth certificate or abstract requested at the same time
21 shall be remitted to the state treasurer in accordance with the provisions of
22 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
23 remittance, the state treasurer shall deposit the entire amount in the state
24 treasury to the credit of the permanent families account of the family and
25 children investment fund created by K.S.A. 38-1808, and amendments
26 thereto. The balance of the money received for a fee for a certified copy of
27 a birth certificate or abstract shall be remitted to the state treasurer in
28 accordance with the provisions of K.S.A. 75-4215, and amendments
29 thereto. Upon receipt of each such remittance, the state treasurer shall
30 deposit the entire amount in the state treasury to the credit of the civil
31 registration and health statistics fee fund created under this act.

32 ~~(5)~~~~(4)~~ Upon receipt of any such remittance of a fee for a certified
33 copy of a death certificate or abstract, \$4 of each such fee for the first
34 certified copy of a death certificate or abstract and \$2 of each such fee for
35 each additional copy of the same death certificate or abstract requested at
36 the same time shall be remitted to the state treasurer in accordance with the
37 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
38 each such remittance, the state treasurer shall deposit the entire amount in
39 the state treasury to the credit of the district coroners fund created by
40 K.S.A. 22a-245, and amendments thereto. The balance of the money
41 received for a fee for a certified copy of a death certificate or abstract shall
42 be remitted to the state treasurer in accordance with the provisions of
43 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such

1 remittance, the state treasurer shall deposit the entire amount in the state
2 treasury to the credit of the civil registration and health statistics fee fund
3 created by K.S.A. 2017 Supp. 65-2418e, and amendments thereto.

4 (b) Subject to K.S.A. 65-2415, and amendments thereto, the national
5 office of vital statistics may be furnished copies or data it requires for
6 national statistics. The state shall be reimbursed for the cost of furnishing
7 the data. The data shall not be used for other than statistical purposes by
8 the national office of vital statistics unless so authorized by the state
9 registrar of vital statistics.

10 New Sec. 8. The secretary of state shall withdraw the state of Kansas
11 from the interstate voter registration crosscheck program on and after
12 January 1, 2019.

13 Sec. 9. K.S.A. 25-1120 and K.S.A. 2017 Supp. 25-1122, 25-1123, 25-
14 2309, 25-2311, 25-2316c, 25-2358 and 65-2418 are hereby repealed.

15 Sec. 10. This act shall take effect and be in force from and after its
16 publication in the statute book.