

As Amended by House Committee

Session of 2009

HOUSE BILL No. 2066

By Committee on Elections

1-22

10 AN ACT concerning elections; pertaining to compliance with the Help  
11 America Vote Act (HAVA); amending K.S.A. 25-2354 and 25-3304 and  
12 K.S.A. 2008 Supp. 25-1122, 25-1122d, 25-1123, 25-2309 and 25-2908  
13 and repealing the existing sections.  
14

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

16 Section 1. K.S.A. 2008 Supp. 25-1122 is hereby amended to read as  
17 follows: 25-1122. (a) Any registered voter may file with the county elec-  
18 tion officer where such person is a resident, or where such person is  
19 authorized by law to vote as a former precinct resident, an application for  
20 an advance voting ballot. The signed application shall be transmitted only  
21 to the county election officer by personal delivery, mail, facsimile or as  
22 otherwise provided by law.

23 (b) If the registered voter is applying for an advance voting ballot to  
24 be transmitted in person, and such voter is a first-time voter, such voter  
25 shall provide a form of valid identification such as a current and valid  
26 Kansas driver's license, nondriver's identification card, utility bill, bank  
27 statement, paycheck, government check or other government document  
28 containing the voter's current name and **either the voter's photograph**  
29 **or the voter's current residential** address as indicated on the registra-  
30 tion book. Such voter shall not be required to provide identification if  
31 such voter has previously provided current and valid identification in the  
32 county where registered.

33 (c) If the registered voter is applying for an advance voting ballot to  
34 be transmitted by mail, and such voter is a first-time voter, such voter  
35 shall provide on the application for an advance voting ballot the voter's  
36 current and valid Kansas driver's license number, nondriver's identifica-  
37 tion card number or the last four digits of the voter's social security num-  
38 ber, or shall provide with the application a copy of the voter's current and  
39 valid Kansas driver's license, nondriver's identification card, utility bill,  
40 bank statement, paycheck, government check or other government doc-  
41 ument containing the voter's current name and **either the voter's pho-**  
42 **tograph or the voter's current residential** address as indicated on the  
43 registration book. Such voter shall not be required to provide identifica-

1 tion if such voter has previously provided current and valid identification  
2 in the county where registered.

3 (d) *The identification document provided in accordance with this sec-*  
4 *tion shall contain, at a minimum, the voter's current name and **either***  
5 ***the voter's photograph or the voter's current** residential address as*  
6 *indicated on the registration book. A voter shall not be required to provide*  
7 *identification if such voter has previously provided current and valid*  
8 *identification in the county where registered or if such voter's registration*  
9 *has been verified pursuant to K.S.A. 25-2354, and amendments thereto.*

10 ~~(e)~~ (e) If a first-time voter is unable or refuses to provide current and  
11 valid identification, or if the name and address do not match the voter's  
12 name and address on the registration book, the voter may vote a provi-  
13 sional ballot according to K.S.A. 25-409, and amendments thereto. The  
14 voter shall provide a valid form of identification as defined in subsection  
15 ~~(e)~~ (b) of this section to the county election officer in person or provide  
16 a copy by mail or electronic means before the meeting of the county board  
17 of canvassers. ~~At the meeting of the county board of canvassers the county~~  
18 ~~election officer shall present copies of identification received from pro-~~  
19 ~~visional voters and the corresponding provisional ballots.~~ If the county  
20 board of canvassers determines that a voter's identification is valid and  
21 the provisional ballot was properly cast, the ballot shall be counted.

22 ~~(e)~~ (f) Applications for advance voting ballots to be transmitted to the  
23 voter by mail shall be filed only at the following times:

24 (1) For the primary election occurring on the first Tuesday in August  
25 in even-numbered years, between April 1 of such year and the last busi-  
26 ness day of the week preceding such primary election.

27 (2) For the general election occurring on the Tuesday succeeding the  
28 first Monday in November in even-numbered years, between 90 days  
29 prior to such election and the last business day of the week preceding  
30 such general election.

31 (3) For the primary election held five weeks preceding the first Tues-  
32 day in April, between January 1 of the year of such election and the last  
33 business day of the week preceding such primary election.

34 (4) For the general election occurring on the first Tuesday in April,  
35 between January 1 of the year of such election and the last business day  
36 of the week preceding such general election.

37 (5) For question submitted elections occurring on the date of a pri-  
38 mary or general election, the same as is provided for ballots for election  
39 of officers at such election.

40 (6) For question submitted elections not occurring on the date of a  
41 primary or general election, between the time of the first published notice  
42 thereof and the last business day of the week preceding such question  
43 submitted election, except that if the question submitted election is held

1 on a day other than a Tuesday, the county election officer shall determine  
2 the final date for mailing of advance voting ballots, but such date shall  
3 not be more than three business days before such election.

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

6 (8) For the presidential preference primary, between January 1 of  
7 the year in which such primary is held and the last business day of the  
8 week preceding such primary election.

9 The county election officer of any county may receive applications prior  
10 to the time specified in this subsection (e) and hold such applications  
11 until the beginning of the prescribed application period. Such applications  
12 shall be treated as filed on that date.

13 ~~(f)~~ (g) (1) Unless an earlier date is designated by the county election  
14 office, applications for advance voting ballots transmitted to the voter in  
15 person in the office of the county election officer shall be filed on the  
16 Tuesday next preceding the election and on each subsequent business  
17 day until no later than 12:00 noon on the day preceding such election. If  
18 the county election officer so provides, applications for advance voting  
19 ballots transmitted to the voter in person in the office of the county elec-  
20 tion officer also may be filed on the Saturday preceding the election.  
21 Upon receipt of any such properly executed application, the county elec-  
22 tion officer shall deliver to the voter such ballots and instructions as are  
23 provided for in this act.

24 (2) An application for an advance voting ballot filed by a voter who  
25 has a temporary illness or disability or who is not proficient in reading  
26 the English language or by a person rendering assistance to such voter  
27 may be filed during the regular advance ballot application periods until  
28 the close of the polls on election day.

29 (3) The county election officer may designate places other than the  
30 central county election office as satellite advance voting sites. At any sat-  
31 ellite advance voting site, a registered voter may obtain an application for  
32 advance voting ballots. Such ballots and instructions shall be delivered to  
33 the voter in the same manner and subject to the same limitations as  
34 otherwise provided by this subsection.

35 ~~(g)~~ (h) (1) Any person having a permanent disability or an illness  
36 which has been diagnosed as a permanent illness is hereby authorized to  
37 make an application for permanent advance voting status. Applications  
38 for permanent advance voting status shall be in the form and contain such  
39 information as is required for application for advance voting ballots and  
40 also shall contain information which establishes the voter's right to per-  
41 manent advance voting status.

42 (2) *A person applying for permanent advance voter status shall sub-*  
43 *mit valid identification as provided in subsection (d) of this section. Once*

1 *such permanent advance voter has provided valid identification, or if such*  
2 *voter's registration has been verified pursuant to K.S.A. 25-2354, and*  
3 *amendments thereto, such voter shall not be required to provide identi-*  
4 *fication in subsequent elections unless the voter moves to another county*  
5 *or state or is removed from the registration list and re-registers.*

6 ~~(h)~~ (i) On receipt of any application filed under the provisions of this  
7 section, the county election officer shall prepare and maintain in such  
8 officer's office a list of the names of all persons who have filed such  
9 applications, together with their correct post office address and the pre-  
10 cinct, ward, township or voting area in which such persons claim to be  
11 registered voters or to be authorized by law to vote as former precinct  
12 residents and the present resident address of each applicant. Such names  
13 and addresses shall remain so listed until the day of such election. The  
14 county election officer shall maintain a separate listing of the names and  
15 addresses of persons qualifying for permanent advance voting status. All  
16 such lists shall be available for inspection upon request in compliance  
17 with this subsection by any registered voter during regular business hours.  
18 The county election officer upon receipt of such applications shall enter  
19 upon a record kept by such officer the name and address of each appli-  
20 cant, which record shall conform to the list above required. Before in-  
21 spection of any advance voting ballot application list, the person desiring  
22 to make such inspection shall provide to the county election officer iden-  
23 tification in the form of driver's license or other reliable identification and  
24 shall sign a log book or application form maintained by such officer stating  
25 such person's name and address and showing the date and time of in-  
26 spection. All records made by the county election officer shall be subject  
27 to public inspection, except that the voter identification information re-  
28 quired by subsections (b) and (c) and the identifying number on ballots  
29 and ballot envelopes and records of such numbers shall not be made  
30 public.

31 ~~(i)~~ (j) If a person on the permanent advance voting list fails to vote  
32 in two consecutive general elections held on the Tuesday succeeding the  
33 first Monday in November of each even-numbered year, the county elec-  
34 tion officer may mail a notice to such voter. Such notice shall inform the  
35 voter that the voter's name will be removed from the permanent advance  
36 voting list unless the voter renews the application for permanent advance  
37 voting status within 30 days after the notice is mailed. If the voter fails to  
38 renew such application, the county election officer shall remove the  
39 voter's name from the permanent advance voting list. Failure to renew  
40 the application for permanent advance voting status shall not result in  
41 removal of the voter's name from the voter registration list.

42 ~~(j)~~ (k) For the purposes of this section, "first-time voter" means a  
43 registered voter who has not previously voted in any election in the county

1 in which the voter desires to vote. First-time voter includes a person  
2 whose name was removed from the county registration list in accordance  
3 with K.S.A. 25-2316c, and amendments thereto, and who has re-  
4 registered.

5 ~~(4)~~ (l) The secretary of state may adopt rules and regulations defining  
6 valid forms of identification.

7 Sec. 2. K.S.A. 2008 Supp. 25-1122d is hereby amended to read as  
8 follows: 25-1122d. (a) The application for an advance voting ballot to be  
9 transmitted by mail shall be accompanied by an affirmation in substance  
10 as follows:

11 Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring  
12 to Vote an Advance Voting Ballot  
13 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

14 I, \_\_\_\_\_  
15 (Please print name)

16 do solemnly affirm under penalty of perjury that I am a qualified elector of the  
17 \_\_\_\_\_ precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on  
18 \_\_\_\_\_ street, city of \_\_\_\_\_, or in the township of \_\_\_\_\_, county of  
19 \_\_\_\_\_, and state of Kansas. My date of birth is \_\_\_\_\_(month/day/year).

20 I understand that if I have not previously voted in any election in this county and I have  
21 not previously submitted valid identification, I must provide one of the following forms of  
22 identification with this application in order to receive a ballot:

- 23 (1) A current and valid Kansas driver’s license number or nondriver’s identification card  
24 number; or
- 25 (2) the last four digits of my social security number; or
- 26 (3) a copy of a current and valid Kansas driver’s license or nondriver’s identification  
27 card, utility bill, bank statement, paycheck, government check, or other government docu-  
28 ment that shows, *at a minimum*, my **current** name and **either my photograph or my**  
29 *current residential* address.

30 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise  
31 vote at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_ (to be  
32 filled in only when requesting primary election ballots). I desire my ballots to be sent to the  
33 following address

34 \_\_\_\_\_  
35 \_\_\_\_\_ Signature of voter.

36 Note: False statement on this affirmation is a severity level 9, nonperson felony.

37 (b) The application for an advance voting ballot to be transmitted in  
38 person shall be accompanied by an affirmation in substance as follows:

39 Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring  
40 to Vote an Advance Voting Ballot  
41 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

42 I, \_\_\_\_\_  
43 (Please print name)

1 do solemnly affirm under penalty of perjury that I am a qualified elector of the  
2 \_\_\_\_\_ precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on  
3 \_\_\_\_\_ street, city of \_\_\_\_\_, or in the township of \_\_\_\_\_, county  
4 of \_\_\_\_\_, and state of Kansas. My date of birth is \_\_\_\_\_(month/  
5 day/year).

6 I understand that if I have not previously voted in any election in this county and I have  
7 not previously submitted valid identification, I must provide one of the following forms of  
8 identification with this application in order to receive a ballot: a current and valid Kansas  
9 driver’s license or nondriver’s identification card, utility bill, bank statement, paycheck, gov-  
10 ernment check or other government document that shows, *at a minimum*, my **current** name  
11 and **either my photograph or my current residential** address.

12 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise  
13 vote at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_ (to be  
14 filled in only when requesting primary election ballots).

15 \_\_\_\_\_  
16 \_\_\_\_\_ Signature of voter.

17 Note: False statement on this affirmation is a severity level 9, nonperson felony.

18 (c) An application for permanent advance voting status shall be on a  
19 form prescribed by the secretary of state for this purpose. Such applica-  
20 tion shall contain an affirmation concerning substantially the same infor-  
21 mation required in subsection (a) and in addition thereto a statement  
22 regarding the permanent character of such illness or disability. *Once such*  
23 *permanent advance voter has provided valid identification, or if such*  
24 *voter’s registration has been verified pursuant to K.S.A. 25-2354, and*  
25 *amendments thereto, such voter shall not be required to provide identi-*  
26 *fication in subsequent elections unless the voter moves to another county*  
27 *or state or the voter is removed from the registration list and re-registers.*

28 (d) Any application by a former precinct resident shall *include an*  
29 *affirmation containing substantially the same information required in*  
30 *subsection (a) and* state both the former and present residence, address,  
31 precinct and county of such former precinct resident and the date of  
32 change of residence. *Such application shall be accompanied by valid identi-*  
33 *fication as provided in subsection (a).*

34 Sec. 3. K.S.A. 2008 Supp. 25-1123 is hereby amended to read as  
35 follows: 25-1123. (a) When an application for an advance voting ballot has  
36 been filed in accordance with K.S.A. 25-1122, and amendments thereto,  
37 the county election officer shall transmit to the voter applying therefor  
38 one each of the appropriate ballots. Except as provided by subsection (b),  
39 the county election officer shall transmit the advance voting ballots to the  
40 voter at one of the following addresses as specified by the voter on such  
41 application: (1) The voter’s residential address or mailing address as in-  
42 dicated on the registration list; (2) the voter’s temporary residential ad-  
43 dress; or (3) a medical care facility as defined in K.S.A. 65-425, and

1 amendments thereto, psychiatric hospital, hospice or adult care home  
2 where the voter resides. No advance voting ballot shall be transmitted by  
3 the county election officer by any means prior to the 20th day before the  
4 election for which an application for an advance voting ballot has been  
5 received by such county election officer. If the advance voting ballot is  
6 transmitted by mail, such ballot shall be transmitted with printed instruc-  
7 tions prescribed by the secretary of state and a ballot envelope bearing  
8 upon the outside a printed form as described in K.S.A. 25-1120, and  
9 amendments thereto, and the same number as the number of the ballot.  
10 If the advance voting ballot is transmitted to the applicant in person in  
11 the office of the county election officer or at a satellite advance voting  
12 site, such advance voting ballot and printed instructions shall be trans-  
13 mitted in an advance voting ballot envelope bearing upon the outside a  
14 printed form as described in K.S.A. 25-1120, and amendments thereto,  
15 and the same number as the number of the ballot unless the voter elects  
16 to deposit the advance voting ballot into a locked ballot box without an  
17 envelope. All ballots shall be transmitted to the advance voting voter not  
18 more than 20 days before the election but within two business days of  
19 the receipt of such voter's application by the election officer or the com-  
20 mencement of such 20-day period. In primary elections required to be  
21 conducted on a partisan basis, the election officer shall deliver to such  
22 voter the ballot of the political party of the applicant.

23 (b) The restrictions in subsection (a) relating to where a county elec-  
24 tion officer may transmit an advance voting ballot shall not apply to an  
25 advance voting ballot requested pursuant to an application for an advance  
26 voting ballot filed by a voter who has a temporary illness or disability or  
27 who is not proficient in reading the English language.

28 (c) The *secretary of state* or county election officer shall compare the  
29 driver's license number, nondriver's identification card number, social  
30 security number or copy of other valid identification provided by a first-  
31 time voter to the voter registration list verified by the division of motor  
32 vehicles in accordance with ~~federal law~~ K.S.A. 25-2354, and amendments  
33 thereto. *If such information matches, no further identification shall be*  
34 *required of such first-time voter unless such voter moves to another county*  
35 *or state or the voter is removed from the voter registration list and sub-*  
36 *sequently re-registers.* If no identification information was provided by  
37 the first-time voter, or if such information does not match the information  
38 on the *verified* voter registration list, the county election officer shall ~~not~~  
39 ~~transmit an advance voting ballot.~~ *issue a provisional ballot to such voter*  
40 *in accordance with K.S.A. 25-409, and amendments thereto. The county*  
41 *election officer shall provide with the ballot a notice to the voter indicating*  
42 *(1) that the advance voting ballot is provisional, (2) that the voter may*  
43 *submit a valid form of identification to the county election office before*

1 *the meeting of the county board of canvassers, and (3) how the voter may*  
 2 *ascertain whether the voter's provisional ballot was counted and, if such*  
 3 *ballot was not counted, the reason therefor. The voter shall provide a valid*  
 4 *form of identification as defined in subsection (b) of K.S.A. 25-1122, and*  
 5 *amendments thereto, to the county election officer in person or provide a*  
 6 *copy by mail or electronic means before the meeting of the county board*  
 7 *of canvassers. If the county board of canvassers determines that a voter's*  
 8 *identification is valid and the provisional ballot was properly cast, the*  
 9 *ballot shall be counted.*

10 Sec. 4. K.S.A. 2008 Supp. 25-2309 is hereby amended to read as  
 11 follows: 25-2309. (a) Any person may apply in person, by mail, through a  
 12 voter registration agency, or by other delivery to a county election officer  
 13 to be registered. Such application shall be made on: (1) A form approved  
 14 by the secretary of state, which shall be provided by a county election  
 15 officer or chief state election official upon request in person, by telephone  
 16 or in writing; or (2) the mail voter registration application prescribed by  
 17 the federal election commission. Such application shall be signed by the  
 18 applicant under penalty of perjury and shall contain the original signature  
 19 of the applicant or the computerized, electronic or digitized transmitted  
 20 signature of the applicant. A signature may be made by mark, initials,  
 21 typewriter, print, stamp, symbol or any other manner if by placing the  
 22 signature on the document the person intends the signature to be binding.  
 23 A signature may be made by another person at the voter's direction if the  
 24 signature reflects such voter's intention.

25 (b) Applications made under this section shall give voter eligibility  
 26 requirements and such information as is necessary to identify the appli-  
 27 cant and to determine the qualifications of the applicant as an elector and  
 28 the facts authorizing such person to be registered, including, but not  
 29 limited to, the following data:

- 30 (1) Name;
- 31 (2) place of residence, including specific address or location, and
- 32 mailing address if the residence address is not a permissible postal ad-  
 33 dress;
- 34 (3) date of birth;
- 35 (4) sex;
- 36 (5) ~~the last four digits of the person's social security number or the~~  
 37 ~~person's full driver's license or nondriver's identification card number or~~  
 38 ~~if the applicant does not have a driver's license or nondriver's identifi-~~  
 39 ~~cation card, the last four digits of the applicant's social security number;~~
- 40 (6) telephone number, if available;
- 41 (7) naturalization data (if applicable);
- 42 (8) if applicant has previously registered or voted elsewhere, resi-  
 43 dence at time of last registration or voting;

- 1 (9) when present residence established;
- 2 (10) name under which applicant last registered or voted, if different
- 3 from present name;
- 4 (11) an attestation that the applicant meets each eligibility require-
- 5 ment;
- 6 (12) a statement that the penalty for submission of a false voter reg-
- 7 istration application is a maximum presumptive sentence of 17 months in
- 8 prison;
- 9 (13) a statement that, if an applicant declines to register to vote, the
- 10 fact that the applicant has declined to register will remain confidential
- 11 and will be used only for voter registration purposes;
- 12 (14) a statement that if an applicant does register to vote, the office
- 13 to which a voter registration application is submitted will remain confi-
- 14 dential and will be used only for voter registration purposes;
- 15 (15) boxes for the applicant to check to indicate whether the applicant
- 16 is or is not a citizen of the United States, together with the question “Are
- 17 you a citizen of the United States of America?”;
- 18 (16) boxes for the applicant to check to indicate whether or not the
- 19 applicant will be 18 years of age or older on election day, together with
- 20 the question “Will you be 18 years of age on or before election day?”;
- 21 (17) in reference to paragraphs (15) and (16) the statement “If you
- 22 checked ‘no’ in response to either of these questions, do not complete
- 23 this form.”;
- 24 (18) a statement that the applicant may be required to provide iden-
- 25 tification when voting; and
- 26 (19) political party affiliation declaration, if any. An applicant’s failure
- 27 to make a declaration will result in the applicant being registered as an
- 28 unaffiliated voter.
- 29 If the application discloses any previous registration in any other county
- 30 or state, as indicated by paragraph (8) or (10), or otherwise, the county
- 31 election officer shall upon the registration of the applicant, give notice to
- 32 the election official of the place of former registration, notifying such
- 33 official of applicant’s present residence and registration, and authorizing
- 34 cancellation of such former registration.
- 35 (c) Any person who applies for registration through a voter registra-
- 36 tion agency shall be provided with, in addition to the application under
- 37 subsection (b), a form which includes:
- 38 (1) The question “If you are not registered to vote where you live
- 39 now, would you like to apply to register to vote here today?”;
- 40 (2) a statement that if the applicant declines to register to vote, this
- 41 decision will remain confidential and be used only for voter registration
- 42 purposes;
- 43 (3) a statement that if the applicant does register to vote, information

- 1 regarding the office to which the application was submitted will remain  
2 confidential and be used only for voter registration purposes; and
- 3 (4) if the agency provides public assistance, (i) the statement “Apply-  
4 ing to register or declining to register to vote will not affect the amount  
5 of assistance that you will be provided by this agency.”;
- 6 (ii) boxes for the applicant to check to indicate whether the applicant  
7 would like to register or declines to register to vote, together with the  
8 statement “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE  
9 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO  
10 VOTE AT THIS TIME.”;
- 11 (iii) the statement “If you would like help in filling out the voter  
12 registration application form, we will help you. The decision whether to  
13 seek or accept help is yours. You may fill out the application form in  
14 private.”; and
- 15 (iv) the statement “If you believe that someone has interfered with  
16 your right to register or to decline to register to vote, your right to privacy  
17 in deciding whether to register or in applying to register to vote, or your  
18 right to choose your own political party or other political preference, you  
19 may file a complaint with the Kansas Secretary of State.”
- 20 (d) If any person, in writing, declines to register to vote, the voter  
21 registration agency shall maintain the form prescribed by subsection (c).
- 22 (e) A voter registration agency shall transmit the completed registra-  
23 tion application to the county election officer not later than five days after  
24 the date of acceptance. Upon receipt of an application for registration,  
25 the county election officer shall send, by nonforwardable mail, a notice  
26 of disposition of the application to the applicant at the postal delivery  
27 address shown on the application. If a notice of disposition is returned as  
28 undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and  
29 amendments thereto, shall occur.
- 30 (f) If an application is received while registration is closed, such ap-  
31 plication shall be considered to have been received on the next following  
32 day during which registration is open.
- 33 (g) A person who completes an application for voter registration shall  
34 be considered a registered voter when the county election officer adds  
35 the applicant’s name to the county voter registration list.
- 36 (h) Any registered voter whose residence address is not a permissible  
37 postal delivery address shall designate a postal address for registration  
38 records. When a county election officer has reason to believe that a voter’s  
39 registration residence is not a permissible postal delivery address, the  
40 county election officer shall attempt to determine a proper mailing ad-  
41 dress for the voter.
- 42 (i) Any registered voter may request that such person’s residence ad-  
43 dress be concealed from public inspection on the voter registration list

1 and on the original voter registration application form. Such request shall  
2 be made in writing to the county election officer, and shall specify a clearly  
3 unwarranted invasion of personal privacy or a threat to the voter's safety.  
4 Upon receipt of such a request, the county election officer shall take  
5 appropriate steps to ensure that such person's residence address is not  
6 publicly disclosed. Nothing in this subsection shall be construed as re-  
7 quiring or authorizing the secretary of state to include on the voter reg-  
8 istration application form a space or other provision on the form that  
9 would allow the applicant to request that such applicant's residence ad-  
10 dress be concealed from public inspection.

11 (j) No application for voter registration shall be made available for  
12 public inspection or copying unless the information required by para-  
13 graph (5) of subsection (b) has been removed or otherwise rendered  
14 unreadable.

15 (k) If an applicant fails to answer the question prescribed in para-  
16 graph (15) of subsection (b), the county election officer shall send the  
17 application to the applicant at the postal delivery address given on the  
18 application, by nonforwardable mail, with a notice of incompleteness. The  
19 notice shall specify a period of time during which the applicant may com-  
20 plete the application in accordance with K.S.A. 25-2311, and amendments  
21 thereto, and be eligible to vote in the next election.

22 Sec. 5. K.S.A. 25-2354 is hereby amended to read as follows: 25-  
23 2354. (a) Once each calendar year a check of the registration records of  
24 voters in the state of Kansas shall be commenced by the chief state elec-  
25 tion official or the county election officer by comparing such records to  
26 the National Change of Address files. A county election officer may com-  
27 plete one or more checks each calendar year. If the chief state election  
28 official performs the check, any discrepancies discovered in the check  
29 shall be reported to the appropriate county election officer, who shall  
30 initiate the confirmation process prescribed by K.S.A. 25-2316c, and  
31 amendments thereto, within 45 days. As an alternative to participation in  
32 the national change of address program, the county election officer may  
33 conduct mass or targeted mailings to registered voters to obtain infor-  
34 mation upon which to base the confirmation mailings.

35 (b) *The chief state election official shall, in a manner determined by*  
36 *the chief state election official and the director of the division of motor*  
37 *vehicles, compare information derived from the voter registration records*  
38 *of voters in the state of Kansas to driver's license records for the purpose*  
39 *of verifying the accuracy of the information provided on applications for*  
40 *voter registration in compliance with section 303 of the Help America*  
41 *Vote Act of 2002. Such comparison shall include each voter's driver's*  
42 *license number or nondriver's identification number or the last four digits*  
43 *of the voter's social security number as provided by the voter on the voter's*

1 application for registration. If the information for any voter matches, no  
 2 further identification shall be required of such voter unless such voter  
 3 moves to another county or state or is removed from the voter registration  
 4 list and subsequently re-registers.

5 (c) The chief state election official shall compare information derived  
 6 from the voter registration records of voters in the state of Kansas to state  
 7 felony conviction records for the purpose of removing the names of inel-  
 8 igible voters from the registration list in compliance with section 303 of  
 9 the Help America Vote Act of 2002.

10 (d) The chief state election official shall compare information derived  
 11 from the voter registration records of voters in the state of Kansas to state  
 12 records on death for the purpose of removing the names of ineligible voters  
 13 from the registration list in compliance with section 303 of the Help Amer-  
 14 ican Vote Act of 2002.

15 ~~(b)~~(e) The chief state election official may adopt rules and regulations  
 16 to carry out the provisions of this section.

17 Sec. 6. K.S.A. 2008 Supp. 25-2908 is hereby amended to read as  
 18 follows: 25-2908. (a) Each polling place shall use either:

19 (1) A registration book and a poll book, as defined in K.S.A. 25-  
 20 2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or

21 (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and  
 22 amendments thereto. The county election officer shall determine which  
 23 books are used in each county, and which book voters shall sign.

24 (b) A person desiring to vote shall provide to the election board:

25 (1) the voter's name;

26 (2) if required, the voter's address;

27 (3) *if required, the voter's valid identification as defined in subsection*  
 28 *(d); and*

29 ~~(3)~~(4) the voter's signature on the registration or poll book. A signature  
 30 may be made by mark, initials, typewriter, print, stamp, symbol or any  
 31 other manner if by placing the signature on the document the person  
 32 intends the signature to be binding. A signature may be made by another  
 33 person at the voter's direction if the signature reflects such voter's inten-  
 34 tion.

35 (c) A member of the election board shall:

36 (1) Announce the voter's name in a loud and distinct tone of voice,  
 37 and, if the name is in the registration books, the member of the election  
 38 board having the registration record shall repeat the name;

39 (2) *if the voter is a first-time voter as defined in subsection (h), request*  
 40 *from the voter valid identification as defined in subsection (d);*

41 ~~(2)~~(3) request the voter's signature on the registration or poll book;

42 ~~(3)~~(4) provide the required signature at the request of and on behalf  
 43 of any voter who is unable to personally affix a signature by reason of

1 temporary illness or disability, or lack of proficiency in reading the English  
2 language;

3 ~~(4) if the voter is a first-time voter as described in subsection (h) of~~  
4 ~~this section, request valid identification from the voter unless such voter~~  
5 ~~has previously submitted current and valid identification in the county~~  
6 ~~where registered;~~

7 (5) give the voter one ballot, on the upper right-hand corner of which  
8 shall be written the number corresponding to the voter's number in the  
9 registration book or poll book; and

10 (6) mark the voter's name in the registration book and party affiliation  
11 list.

12 (d) A first-time voter shall provide to the election board a form of  
13 valid *identification unless either such voter has previously submitted cur-*  
14 *rent and valid identification in the county where such first-time voter*  
15 *registered or if the voter's registration has been verified pursuant to K.S.A.*  
16 *25-2354, and amendments thereto. Valid identification such as shall in-*  
17 *clude a current and valid Kansas driver's license, nondriver's identification*  
18 *card, utility bill, bank statement, paycheck, government check or other*  
19 *government document unless such voter has previously submitted current*  
20 *and valid identification in the county where registered. The document*  
21 *provided in accordance with this section shall contain the voter's current*  
22 *name and address as indicated on the registration book or poll book con-*  
23 *taining the voter's current name and the voter's photograph or the voter's*  
24 *current residential address as indicated on the registration book.*

25 (e) If a first-time voter is unable or refuses to provide current and  
26 valid identification at the polling place, or if the name and address do not  
27 match the voter's name and address on the registration book or poll book,  
28 the voter may vote a provisional ballot according to K.S.A. 25-409, and  
29 amendments thereto. The voter shall provide a valid form of identification  
30 as defined in subsection (d) of this section to the county election officer  
31 in person or provide a copy by mail or electronic means before the meet-  
32 ing of the county board of canvassers. ~~At the meeting of the county board~~  
33 ~~of canvassers the county election officer shall present copies of identifi-~~  
34 ~~cation received from provisional voters and the corresponding provisional~~  
35 ~~ballots.~~ If the county board of canvassers determines that a voter's iden-  
36 tification is valid and the provisional ballot was properly cast, the ballot  
37 shall be counted.

38 (f) If the name of any person desiring to vote at an election is not in  
39 the registration books, an election board member shall print the name  
40 and address of the person appearing to vote in the registration book or  
41 poll book. The person appearing to vote shall add such person's signature  
42 to the registration book or poll book beside such person's printed name,  
43 as listed in the registration book or poll book, and the election board

1 judge shall challenge such person's vote pursuant to K.S.A. 25-414, and  
2 amendments thereto. During the pendency of a challenge other voters  
3 shall be given ballots and be permitted to vote.

4 (g) A voter who has received an advance voting ballot may vote a  
5 provisional ballot on election day at the ~~precinct~~ polling place where the  
6 voter resides. If the voter returns the advance voting ballot to a judge or  
7 clerk at the ~~precinct~~ polling place, the judge or clerk shall void such  
8 advance voting ballot. Any such provisional ballot shall be counted only  
9 if the county board of canvassers determines that the provisional ballot  
10 was properly cast and the voter has not otherwise voted at such election.

11 (h) For the purposes of this section, "first-time voter" means a reg-  
12 istered voter who has not previously voted in any election in the county  
13 in which the voter desires to vote. First-time voter includes a person  
14 whose name was removed from the county registration list in accordance  
15 with K.S.A. 25-2316c, and amendments thereto, and has re-registered.

16 (i) The secretary of state may adopt rules and regulations defining  
17 valid forms of identification.

18 Sec. 7. K.S.A. 25-3304 is hereby amended to read as follows: 25-  
19 3304. (a) Any person who has declared such person's party or voter affil-  
20 iation in the manner provided by law shall be listed on a voter affil-  
21 iation list as a member of a registered political organization, or on a party affil-  
22 iation list if a member of a recognized political party, unless the person's  
23 name is purged or removed therefrom as provided by K.S.A. 25-3303,  
24 and amendments thereto, or unless the person changes party or voter  
25 affiliation as provided in this section.

26 (b) Any person, who, having declared a party or voter affiliation, de-  
27 sires to change the same, may file a written declaration with the county  
28 election officer, stating the change of party or voter affiliation. Such dec-  
29 laration shall be filed not less than ~~14~~ 15 days prior to the date of any  
30 national, state, county or township primary election. The county election  
31 officer shall enter a record of such change on the party or voter affiliation  
32 list of such preceding primary election in the proper column opposite the  
33 voter's name.

34 (c) Any person who has never declared a party or voter affiliation in  
35 the county in which such person resides may file a written declaration  
36 with the county election officer, stating the person's party or voter affil-  
37 iation. Such declaration shall be filed not less than ~~14~~ 15 days prior to the  
38 date of any national, state, county or township primary election. The  
39 county election officer shall enter a record of such declaration on the  
40 party or voter affiliation list of the preceding primary election in the  
41 proper column opposite the voter's name.

42 Sec. 8. K.S.A. 25-2354 and 25-3304 and K.S.A. 2008 Supp. 25-1122,  
43 25-1122d, 25-1123, 25-2309 and 25-2908 are hereby repealed.

1     Sec. 9. This act shall take effect and be in force from and after its  
2     publication in the statute book.