

## HOUSE BILL No. 2256

By Representative Talia

2-4

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9 AN ACT concerning elections; pertaining to preregistration of certain  
10 persons; amending K.S.A. 25-2352 and K.S.A. 2008 Supp. 25-2309 and  
11 25-2320 and repealing the existing sections.  
12

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

14 New Section 1. (a) Any person who is at least 14 years of age and  
15 who has not attained the age of 18 may pre-register to vote by filing an  
16 early voter registration in accordance with this section. The early voter  
17 registration may be applied for in person, by mail or through a voter  
18 registration agency.

19 (b) The secretary of state shall develop an early voter registration  
20 form in substantially the same form as specified in K.S.A. 25-2309, and  
21 amendments thereto, which complies with the provisions of this section.  
22 The secretary of state shall make the early registration form available to  
23 each county election officer and to each voter registration agency.

24 (c) The secretary of state shall develop and establish an early voter  
25 registration process which is substantially similar to the existing voter  
26 registration process. In addition, the early voter registration process shall  
27 include the following provisions:

28 (1) Upon receipt of an application for early registration, the county  
29 election officer shall send to the applicant a notice of disposition of the  
30 application. The notice of disposition shall be sent by nonforwardable mail  
31 to the applicant at the postal delivery address shown on the application.

32 (2) On the applicant's 18th birthday, the county election officer shall  
33 notify the applicant that such applicant's pre-registration information has  
34 been transferred to the voter registration list.

35 (3) If the 18th birthday of an applicant for early voter registration  
36 occurs within the 15-day period preceding the day of an election, the  
37 county election officer shall add the name of such applicant to the voter  
38 registration on the 15th day preceding the date of such election.

39 (d) The secretary of state may adopt rules and regulations deemed  
40 necessary to implement the provisions of this section.

41 New Sec. 2. No candidate seeking election to a public running shall  
42 knowingly contact or attempt to contact any applicant for early voting  
43 registration. For the purposes of this section, the term candidate also

1 includes any member of such candidate's campaign staff.

2 Sec. 3. K.S.A. 2008 Supp. 25-2309 is hereby amended to read as  
3 follows: 25-2309. (a) *In addition to the provisions of section 1, and amend-*  
4 *ments thereto*, any person may apply in person, by mail, through a voter  
5 registration agency, or by other delivery to a county election officer to be  
6 registered. Such application shall be made on: (1) A form approved by  
7 the secretary of state, which shall be provided by a county election officer  
8 or chief state election official upon request in person, by telephone or in  
9 writing; or (2) the mail voter registration application prescribed by the  
10 federal election commission. Such application shall be signed by the ap-  
11 plicant under penalty of perjury and shall contain the original signature  
12 of the applicant or the computerized, electronic or digitized transmitted  
13 signature of the applicant. A signature may be made by mark, initials,  
14 typewriter, print, stamp, symbol or any other manner if by placing the  
15 signature on the document the person intends the signature to be binding.  
16 A signature may be made by another person at the voter's direction if the  
17 signature reflects such voter's intention.

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

- 23 (1) Name;
- 24 (2) place of residence, including specific address or location, and  
25 mailing address if the residence address is not a permissible postal  
26 address;
- 27 (3) date of birth;
- 28 (4) sex;
- 29 (5) the last four digits of the person's social security number or the  
30 person's full driver's license or nondriver's identification card number;
- 31 (6) telephone number, if available;
- 32 (7) naturalization data (if applicable);
- 33 (8) if applicant has previously registered or voted elsewhere, resi-  
34 dence at time of last registration or voting;
- 35 (9) when present residence established;
- 36 (10) name under which applicant last registered or voted, if different  
37 from present name;
- 38 (11) an attestation that the applicant meets each eligibility  
39 requirement;
- 40 (12) a statement that the penalty for submission of a false voter reg-  
41 istration application is a maximum presumptive sentence of 17 months in  
42 prison;
- 43 (13) a statement that, if an applicant declines to register to vote, the

1 fact that the applicant has declined to register will remain confidential  
2 and will be used only for voter registration purposes;

3 (14) a statement that if an applicant does register to vote, the office  
4 to which a voter registration application is submitted will remain confi-  
5 dential and will be used only for voter registration purposes;

6 (15) boxes for the applicant to check to indicate whether the applicant  
7 is or is not a citizen of the United States, together with the question “Are  
8 you a citizen of the United States of America?”;

9 (16) boxes for the applicant to check to indicate whether or not the  
10 applicant will be 18 years of age or older on election day, together with  
11 the question “Will you be 18 years of age on or before election day?”;

12 (17) in reference to paragraphs (15) and (16) the statement “If you  
13 checked ‘no’ in response to either of these questions, do not complete  
14 this form.”;

15 (18) a statement that the applicant may be required to provide iden-  
16 tification when voting; and

17 (19) political party affiliation declaration, if any. An applicant’s failure  
18 to make a declaration will result in the applicant being registered as an  
19 unaffiliated voter.

20 If the application discloses any previous registration in any other county  
21 or state, as indicated by paragraph (8) or (10), or otherwise, the county  
22 election officer shall upon the registration of the applicant, give notice to  
23 the election official of the place of former registration, notifying such  
24 official of applicant’s present residence and registration, and authorizing  
25 cancellation of such former registration.

26 (c) Any person who applies for registration through a voter registra-  
27 tion agency shall be provided with, in addition to the application under  
28 subsection (b), a form which includes:

29 (1) The question “If you are not registered to vote where you live  
30 now, would you like to apply to register to vote here today?”;

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

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

37 (4) if the agency provides public assistance, (i) the statement “Apply-  
38 ing to register or declining to register to vote will not affect the amount  
39 of assistance that you will be provided by this agency.”;

40 (ii) boxes for the applicant to check to indicate whether the applicant  
41 would like to register or declines to register to vote, together with the  
42 statement “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE  
43 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO

1 VOTE AT THIS TIME.”;

2 (iii) the statement “If you would like help in filling out the voter  
3 registration application form, we will help you. The decision whether to  
4 seek or accept help is yours. You may fill out the application form in  
5 private.”; and

6 (iv) the statement “If you believe that someone has interfered with  
7 your right to register or to decline to register to vote, your right to privacy  
8 in deciding whether to register or in applying to register to vote, or your  
9 right to choose your own political party or other political preference, you  
10 may file a complaint with the Kansas Secretary of State.”

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

13 (e) A voter registration agency shall transmit the completed registra-  
14 tion application to the county election officer not later than five days after  
15 the date of acceptance. Upon receipt of an application for registration,  
16 the county election officer shall send, by nonforwardable mail, a notice  
17 of disposition of the application to the applicant at the postal delivery  
18 address shown on the application. If a notice of disposition is returned as  
19 undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and  
20 amendments thereto, shall occur.

21 (f) If an application is received while registration is closed, such ap-  
22 plication shall be considered to have been received on the next following  
23 day during which registration is open.

24 (g) A person who completes an application for voter registration shall  
25 be considered a registered voter when the county election officer adds  
26 the applicant’s name to the county voter registration list.

27 (h) Any registered voter whose residence address is not a permissible  
28 postal delivery address shall designate a postal address for registration  
29 records. When a county election officer has reason to believe that a voter’s  
30 registration residence is not a permissible postal delivery address, the  
31 county election officer shall attempt to determine a proper mailing ad-  
32 dress for the voter.

33 (i) Any registered voter may request that such person’s residence ad-  
34 dress be concealed from public inspection on the voter registration list  
35 and on the original voter registration application form. Such request shall  
36 be made in writing to the county election officer, and shall specify a clearly  
37 unwarranted invasion of personal privacy or a threat to the voter’s safety.  
38 Upon receipt of such a request, the county election officer shall take  
39 appropriate steps to ensure that such person’s residence address is not  
40 publicly disclosed. Nothing in this subsection shall be construed as re-  
41 quiring or authorizing the secretary of state to include on the voter reg-  
42 istration application form a space or other provision on the form that  
43 would allow the applicant to request that such applicant’s residence ad-

1 dress be concealed from public inspection.

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

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

13 Sec. 4. K.S.A. 2008 Supp. 25-2320 is hereby amended to read as  
14 follows: 25-2320. (a) The county election officer shall allow access to any  
15 person at any time during regular business hours, under supervision of  
16 the county election officer for the purpose of examining the voter regis-  
17 tration books, active voter lists and other lists of voters required to be  
18 kept. Any person may make a written request for a copy of the registration  
19 books at any time except on any election day. The election officer is  
20 hereby directed to provide one or more copies which are accurate insofar  
21 as practicable of such books to the person so requesting. The election  
22 officer shall provide such copies to the person within 10 days following  
23 the request if so requested. The expense of making such copies shall be  
24 paid by the person requesting them. The cost of copies shall be estab-  
25 lished by the county election officer at a price which is not more than the  
26 actual cost and shall be set uniformly in order that the price therefor shall  
27 be the same for all persons requesting identical copies.

28 (b) No voter registration record shall be made available for public  
29 inspection or copying unless the individual's social security number, or  
30 any part thereof, has been removed or otherwise been rendered  
31 unreadable.

32 (c) *An applicant's early voter registration information and records*  
33 *developed pursuant to section 1, and amendments thereto, shall remain*  
34 *confidential and not be available for public inspection. The provisions of*  
35 *this subsection shall expire on July 1, 2014, unless the legislature acts to*  
36 *reenact such provisions. The provisions of this section shall be reviewed*  
37 *by the legislature prior to July 1, 2014.*

38 Sec. 5. K.S.A. 25-2352 is hereby amended to read as follows: 25-  
39 2352. (a) (1) Each Kansas division of motor vehicles driver's license ap-  
40 plication and nondriver identification card application (including any re-  
41 newal application) submitted to a division of motor vehicles office in  
42 Kansas shall serve as an application for *early voter registration pursuant*  
43 *to section 1, and amendments thereto, or voter registration unless the*

1 applicant fails to sign the *early voter registration or* voter registration  
2 application. An individual who completes the application for voter regis-  
3 tration and is otherwise eligible shall be registered to vote in accordance  
4 with the information supplied by the individual.

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

8 (b) The voter registration section of the application:

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

15 (2) shall include a statement that specifies each eligibility require-  
16 ment for voting, contains an attestation that the applicant meets each such  
17 requirement, including citizenship, and requires the signature of the ap-  
18 plicant, under penalty of perjury;

19 (3) shall include a statement that, if an applicant declines to register  
20 to vote, the fact that the applicant has declined to register will remain  
21 confidential and will be used only for voter registration purposes;

22 (4) shall include a statement that if an applicant does register to vote,  
23 the office at which the applicant submits a voter registration application  
24 will remain confidential and will be used only for voter registration  
25 purposes;

26 (5) shall be made available by the division of vehicles (as submitted  
27 by the applicant, or in machine-readable or other format) to the secretary  
28 of state and county election officers, as provided by rules and regulations  
29 adopted by the secretary of state; and

30 (6) shall be transmitted to the county election officer not later than  
31 five days after the date of acceptance.

32 (c) *The early voter registration section of the application shall be de-*  
33 *veloped by the secretary of state in consultation with the Kansas division*  
34 *of motor vehicles and shall contain provisions substantially similar to the*  
35 *provisions of subsection (b) as determined by the secretary of state.*

36 ~~(d)~~ (d) The motor vehicle driver's license and nondriver identification  
37 card form used for change of residence address shall also serve as a no-  
38 tification of change of residence address for *early voter registration or*  
39 voter registration for elections, unless the registrant states on the form  
40 that the change is not for *early voter registration or* voter registration  
41 purposes.

42 ~~(e)~~ (e) The *early voter registration or* voter registration portion of the  
43 motor vehicle driver's license and nondriver identification card applica-

1 tions and change of address forms used shall be subject to approval by  
2 the secretary of state for purposes of voter registration under this section.  
3 ~~(e)~~ (f) Following the line fixed for the signature of the applicant on  
4 the application for *early voter registration or* voter registration, a state-  
5 ment shall be printed stating that the penalty for submission of a false  
6 voter registration application is a maximum presumptive sentence of 17  
7 months in prison.  
8 ~~(f)~~ (g) The secretary of state is hereby authorized to adopt such rules  
9 and regulations in the manner prescribed by law as may be necessary for  
10 the administration of the provisions of this section.  
11 Sec. 6. K.S.A. 25-2352 and K.S.A. 2008 Supp. 25-2309 and 25-2320  
12 are hereby repealed.  
13 Sec. 7. This act shall take effect and be in force from and after its  
14 publication in the statute book.