

Approved: February 11, 2011  
Date

## MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Schwab at 9:00 a.m., on January 26, 2011 in Room 546-S of the Capitol.

All members were present .

Committee staff present:

Doug Taylor, Office of Revisor of Statutes  
Katherine McBride, Office of Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Jay Hall, Kansas Legislative Research Department  
Diane Brian, Committee Assistant

Conferee appearing before the Committee:

Brad Bryant, Deputy Director, Secretary of State's Office

Others attending:

See attached list.

The Chairman called for bill introductions.

Chairman Schwab introduced a bill, on behalf of the Treasurer's Office, on campaign financing as it relates to public service announcements and campaigning prior to the election. Bill was entered without objection.

Deputy Director Brad Bryant introduced a bill to amend HCR 5006, to adjust federal census to revise military and college census figures (for all districts, except congressional). Bill was entered without objection.

Staff presented information to the committee on Identification and Citizenship requirements for voter registration and voting (Attachment 1), which included details of other state's requirements and responded to questions from committee members.

Brad Bryant, from the Secretary of State's Office provided the committee a written response to questions that were submitted during the January 19<sup>th</sup> meeting, (Attachment 2), and answered questions.

Representative Goico would like data on illegal activity and prosecution of those falsifying documents (drivers license, birth certificates, etc.). Martha will research and provide the information.

Representative Otto had question about the sentencing classifications and the sentencing grid, Deputy Director Bryant will provide this information.

The next meeting is scheduled for January 31, 2011

The meeting was adjourned at 09:30 a.m.

HOUSE ELECTIONS COMMITTEE  
9:00 AM,  
Room 546-S, Capitol Building

**GUEST LIST**

1/  
DATE: 2/6 2011

NAME	REPRESENTING
Brad Bryant	Sec of State
Jodie Hein	Neen Law Firm

# KANSAS LEGISLATIVE RESEARCH DEPARTMENT

68-West-Statehouse, 300 SW 10th Ave.  
Topeka, Kansas 66612-1504  
(785) 296-3181 • FAX (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

January 25, 2011

## IDENTIFICATION AND CITIZENSHIP REQUIREMENTS FOR VOTER REGISTRATION AND VOTING

### Part One - Voter Identification Requirements

#### National Voter Identification (ID) Requirements

The federal Help America Vote Act (HAVA) requires all states obtain identification from first-time voters who registered to vote by mail and did not provide identification with their mail-in voter registration. Public Law 107-252, Section 303 further specifies how a voter may meet these requirements:

- For those voting in person, presenting to the appropriate official a current and valid photo ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address.
- For those voting by mail, submitting with the ballot a copy of a current and valid photo ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address.

#### Current Kansas Law

Current law requires persons voting for the first time in the county to provide identification unless they have done so when they registered. Acceptable identification forms include a current, valid Kansas driver's license, a nondriver's ID card, a utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. A voter's driver's license copy or number, nondriver's ID card copy or number, or the last four digits of the voter's Social Security number may be provided when applying for an advance ballot to be transmitted by mail.

#### Other State Laws

According to research conducted by the National Conference of State Legislatures (NCSL), 27 states have enacted broader voter ID requirements than those required by HAVA. In these states, all voters are asked to show ID prior to voting. Nine states request or require a photo ID, and the other eighteen states accept additional forms of ID that do not necessarily include a photo. All 27 states have some recourse for voters without ID to cast a vote.

HOUSE ELECTIONS  
DATE: 1/26/11  
ATTACHMENT: 1

In Attachment 1, developed by NCSL, Table 1 briefly summarizes the NCSL summary of the 27 states' ID requirements. It should be noted that comparison among states' voter ID requirements is somewhat complex. For example, Arizona's voter ID law does not require voters to present a photo ID; however, it only requires one form of ID if a valid photo ID form is presented. Otherwise, voters must show two different forms of ID. Table 2 in that document provides another, more detailed summary of the voter ID laws in the 27 states identified in the previous table.

The number of states with broader-than-HAVA voter ID requirements has grown over the past several years. In January 2007 the NCSL reported 24 such states. At that time, seven were listed as either requesting or requiring photo ID. In the November 2010 NCSL report that number had grown to nine. (The law for one of the newly added states, Oklahoma, will take effect July 1, 2011.)

### **Case in Point: Indiana's Photo Voter ID Law**

Indiana Public Law 109-2005 requires the state's voters to present a government-issued photo ID before casting a ballot at the polls on the day of the election. The photo ID must meet the following four criteria:

- It must display a photo of the voter;
- It must display the voter's name, and the name must conform to the voter registration record. According to the Indiana Office of the Secretary of State, conformity does not require the names on the two records be identical;
- It must display an expiration date and either be current or have expired sometime after the date of the most recent general election; and
- It must be issued by the State of Indiana or the U.S. government. According to the Indiana Office of the Secretary of State, in most cases an Indiana driver's license, Indiana photo ID card, military ID or U.S. passport is sufficient. A student ID from an Indiana State school may be used only if it meets all four criteria specified. A student ID from a private institution may not be used for voting purposes.

A voter who is unable or unwilling to present ID meeting these requirements may cast a provisional ballot. The voter then has until noon 10 days after the election to follow up with the county election board and either provide the necessary documentation or affirm one of the law's exemptions applies.

Exceptions are made for some individuals, who first must cast a provisional ballot and afterward sign an affidavit attesting that:

- The voter is indigent and unable to obtain proof of identification without the payment of a fee; or
- The voter has a religious objection to being photographed.



The law also stated the intent of the Indiana General Assembly was that no fee or charge be imposed for the issuance of a state ID card (whether original, renewal or duplicate) to any individual who will be at least 18 years of age at the next general, municipal or special election. The law then directed the Bureau of Motor Vehicles to amend its rules to remove all such fees and charges before January 1, 2006.

Indiana's photo ID law was upheld by the 7<sup>th</sup> U.S. Circuit Court of Appeals in January 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

### **Recent Kansas Legislation**

A number of bills requiring Kansas voters to show a photo ID at the polls have been proposed in the past several years. Of those, four have been worked significantly by the Legislature; of the four, one (2008 HB 2019) passed both legislative chambers and was vetoed by the Governor. The following table provides a comparison of the four bills, two of which were from the 2007-2008 biennium and two from the 2009-2010 biennium.

**Comparison of Selected Bills Requiring Photo Voter ID**

PROVISION	2007 - 2008		2009 - 2010	
	H. SUB. S.B. 169	H.B. 2019 - <u>VETOED</u>	H.B. 2077	H. SUB. S.B. 3
ID Required of All In-Person Voters	Yes	Yes	Yes	Yes
Photo ID Required of All In-Person Voters	Yes	Yes	Yes	Yes
Acceptable Photo ID Forms	See Note 1	Same as S.B. 169	Same as S.B. 169 (KS DL/ID card does not specify "current")	Same as S.B. 169
Certain Voters Exempted from ID	See Note 2	Same as S.B. 169	Same as S.B. 169	Same as S.B. 169
Free Photo ID to Anyone 18+ Who Qualifies (Poverty)	Yes	Yes	Yes	Yes
Affidavit Required for Free Photo ID Attesting to Qualification; Penalty	Yes	Yes	Yes	Yes
ID Forms for Voters-By-Mail Revised	Yes	Yes	Yes	Yes
Delayed Effective Date(s)	Yes	Yes	Yes	Yes

Notes: 1. (a) Current KS driver's license; (b) current KS nondriver ID; (c) U.S. Passport; (d) Employee ID; (e) debit or credit card; (f) military ID; (g) student ID; (h) public assistance ID.

2. (a) Age 65 or older; (b) temporary or permanent physical disability; (c) active duty military; (d) merchant marine; (e) spouse, dependent of (c) or (d) out of country; (f) eligible voters residing outside the U.S.

## Part Two – Voter Registration Requirements

### National Voter Registration Requirements

The U.S. Voting Rights Act of 1965 allows all U.S. citizens to vote at any election in any state. Title 42, Chapter 20, Subchapter I, Section 1971 states, in part:

“(1) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding; by or under its authority, to the contrary notwithstanding.

(2) No person acting under color of law shall—

(A) in determining whether any individual is qualified under State law or laws to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

(B) deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election....”

The National Voter Registration Act of 1993 (NVRA), which expanded the locations at which a person may register to vote, requires that a voter registration application form used in conjunction with a driver's license application include a statement that states each eligibility requirement (including citizenship) for that state. Title 42, Chapter 20, Subchapter I-H, Section 1973gg-3 states, in part:

“(2) The voter registration application portion of an application for a State motor vehicle driver's license ...

(B) may require only the minimum amount of information necessary to -

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that -

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury....”

Finally, HAVA (Public Law 107-252, Section 303) requires voter registration applicants provide one of the following when registering:

- The applicant's driver's license number, if he or she possesses a current and valid driver's license.
- The last four digits of the applicant's social security number, if he or she does not possess a driver's license.

- If an applicant possesses neither a driver's license nor a social security number, the state is required to assign the applicant an identification number for voter registration purposes.

### **Current Kansas Law**

KSA 25-2309 requires an applicant for voter registration fill out a form specified by law and sign under penalty of perjury. The application form must contain the following elements (or space therefor):

- Name;
- Place of residence and mailing address if residence is not a postal address;
- Date of birth;
- Sex;
- The last four digits of the person's social security number or the person's full driver's license or nondriver's identification card number;
- Telephone Number (if available);
- Naturalization data (if applicable);
- Residence at time of last registration;
- When present residence was established;
- Name under which last registered, if different;
- Attestation that applicant meets eligibility requirements;
- A statement that submission of false application is sentence of 17 months;
- A statement that if applicant declines to register, it will remain confidential;
- A statement that if applicant registers, it will remain confidential;
- Political party affiliation;
- A box to check to indicate whether or not the applicant is a U.S. citizen;
- A box to check to indicate whether or not the applicant will be 18 years of age or older on election day;

- The statement, "If you checked 'no' in response to either of these questions (*i.e.*, the last two items immediately preceding this one), do not complete this form"; and
- A statement that the applicant may be required to provide identification when voting.

### **Other State Laws**

According to research conducted by the NCSL, two states have passed laws requiring individuals provide proof of citizenship when they register to vote. Neither state's law is in effect currently.

Arizona voters in 2004 approved Proposition 200, an initiative measure that revised voter ID requirements for the state, as well as requiring proof of citizenship when registering to vote. In October 2010 the U.S. Court of Appeals in San Francisco invalidated the proof-of-citizenship requirement.

Georgia is the only other state to have passed a proof-of-citizenship law. Georgia's law remains on hold pending pre-clearance by the U.S. Department of Justice. In November 2010, the state of Georgia filed suit seeking approval of its 2009 proof-of-citizenship law. The suit is asking for a three-judge panel to declare that the law does not violate Section 5 of the Voting Rights Act, which requires changes in voting procedures in states with a history of discrimination to be "pre-cleared."

According to information provided by the Brennan Center for Justice (opponents to proof-of-citizenship requirements for voter registration), a number of states proposed legislation in the 2009-2010 biennium which would require proof of citizenship when registering to vote. In addition to Georgia, those states include Colorado, Illinois, Massachusetts, Mississippi, Nevada, Oregon, Tennessee, Texas, and Utah.





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## Voter Identification Requirements



Updated Nov. 22, 2010

### First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

### Blanket Voter ID

Twenty-seven states have broader voter identification requirements than what HAVA mandates (note, however that the newly passed requirement in Oklahoma does not take effect until July 1, 2011). In these states, all voters are asked to show identification prior to voting. Eight\* of these states specify that voters must show a *photo* ID; the other nineteen states accept additional forms of identification that do not necessarily include a photo ([Table 1](#)). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. However, in Georgia and Indiana, voters without ID vote a provisional ballot, and must return to election officials within a few days and show a photo ID in order for their ballots to be counted. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see [Table 2](#).

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## State Requirements for Voter ID

**Table 1: State Requirements for Voter Identification**

States that Request or Require <i>Photo</i> ID	States that Require ID (Photo not Required)	
<a href="#">Florida</a> <a href="#">Georgia</a> <a href="#">Hawaii</a> <a href="#">Idaho</a> <a href="#">Indiana</a> <a href="#">Louisiana</a> <a href="#">Michigan</a> <a href="#">South Dakota</a>	<a href="#">Alabama</a> <a href="#">Alaska</a> <a href="#">Arizona</a> <a href="#">Arkansas</a> <a href="#">Colorado</a> <a href="#">Connecticut</a> <a href="#">Delaware</a> <a href="#">Kentucky</a> <a href="#">Missouri</a> <a href="#">Montana</a>	<a href="#">North Dakota</a> <a href="#">Ohio</a> <a href="#">Oklahoma*</a> <a href="#">South Carolina</a> <a href="#">Tennessee</a> <a href="#">Texas</a> <a href="#">Utah</a> <a href="#">Virginia</a> <a href="#">Washington</a>

\* The Oklahoma law takes effect July 1, 2011. There are some who prefer to call Oklahoma a *photo* voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

## Recent Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, more than 700 bills have been introduced in a total of 46 states. A dozen states have passed major legislation during this period, and those bills are summarized in the timeline below.

- › 2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
- › 2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
- › 2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing voter ID law to require photo ID
- › 2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
- › 2009: New voter ID law passed in Utah



, 2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the Legislature

## Recent Litigation

**Arizona:** On October 20, 2006, the U.S. Supreme Court vacated an October 6, 2006 9<sup>th</sup> Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation. The ID law was in effect for Arizona's 2006 election, and remained in effect in 2008.

**Georgia:** On October 27, 2006, the 11<sup>th</sup> U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia's voter ID requirement was reinstated by a federal judge in mid-2007.

**Indiana:** Photo ID law was upheld by 7<sup>th</sup> Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

**Michigan:** The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never implemented due to a ruling by the state's Attorney General) is constitutional and enforceable.

**Missouri:** On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.

**Ohio:** On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order did not apply to future elections, and voter ID requirements were in effect for 2008.

## Details of Voter Identification Requirements

<b>Table 2: Details of Voter Identification Requirements</b>			
<b>State</b>	<b>Requirement</b>	<b>Acceptable Forms of ID</b>	<b>Voters Without ID</b>
<u>Alabama</u> §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	<ul style="list-style-type: none"> <li>› Government-issued photo ID</li> <li>› Employee ID card with photo</li> <li>› Alabama college/university ID with photo</li> <li>› Utility bill, bank statement, government check or paycheck</li> <li>› ID card issued by any state or the U.S. government</li> <li>› U.S. passport</li> <li>› Alabama hunting license</li> <li>› Alabama fishing license</li> <li>› Alabama gun permit</li> <li>› FAA-issued pilot's license</li> <li>› U.S. military ID</li> <li>› Birth certificate (certified copy)</li> <li>› Social security card</li> <li>› Naturalization document</li> <li>› Court record of adoption</li> <li>› Court record of name change</li> <li>› Medicaid or Medicare card</li> <li>› Electronic benefits transfer card</li> <li>› Government documents showing name and address of voter</li> </ul>	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.
<u>Alaska</u> §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	<ul style="list-style-type: none"> <li>› Official voter registration card</li> <li>› Driver's license</li> <li>› Birth certificate</li> </ul>	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a



		<ul style="list-style-type: none"> <li>› Passport</li> <li>› Hunting or fishing license</li> <li>› Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address</li> </ul>	required form of identification shall be allowed to vote a questioned ballot.
<u>Arizona</u> §16-579A	Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.	<ul style="list-style-type: none"> <li>› Valid Arizona driver's license</li> <li>› Valid Arizona non-driver identification</li> <li>› Tribal enrollment card or other form of tribal identification</li> <li>› Valid U.S. federal, state or local government issued identification</li> <li>› Utility bill dated within 90 days of the election</li> <li>› Bank or credit union statement dated within 90 days of the election</li> <li>› Valid Arizona vehicle registration</li> <li>› Indian census card</li> <li>› Property tax statement</li> <li>› Vehicle insurance card</li> <li>› Recorder's Certificate</li> </ul>	An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.
<u>Arkansas</u> §7-5-305(a)(8)	Election officials shall request the voter to provide identification	<ul style="list-style-type: none"> <li>› Driver's license</li> <li>› Government-issued photo ID</li> <li>› Voter card</li> <li>› Social security card</li> <li>› Birth certificate</li> <li>› U.S. passport</li> <li>› Employee ID card</li> <li>› Student ID card</li> <li>› Arkansas hunting license</li> <li>› U.S. military ID card</li> <li>› Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter</li> </ul>	If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.
<u>Colorado</u> §1-1-104(19.5) and 1-7-110	Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).	<ul style="list-style-type: none"> <li>› Colorado driver's license</li> <li>› CO Dept. of Revenue ID card</li> <li>› U.S. passport</li> <li>› Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO</li> <li>› Pilot's license</li> </ul>	<p>An eligible elector who is unable to produce identification may cast a provisional ballot.</p> <p>Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. <i>(this paragraph</i></p>



		<ul style="list-style-type: none"> <li>U.S. military ID with photo</li> <li>A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector</li> <li>Medicare or Medicaid card</li> <li>Certified copy of birth certificate</li> <li>Certified documentation of naturalization</li> </ul>	added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules)
<u>Connecticut</u> §9-261	Each elector shall present identification	<ul style="list-style-type: none"> <li>Social Security card</li> <li>Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph</li> </ul>	Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.
<b>Delaware</b> Tit. 15, §4937	A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity	<ul style="list-style-type: none"> <li>Photo ID</li> <li>Utility bill</li> <li>Paycheck</li> <li>Any government document with voter's name and address</li> </ul>	In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.
<u>Florida</u> §101.043	The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.	<ul style="list-style-type: none"> <li>Florida driver's license</li> <li>Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles</li> <li>U.S. passport</li> <li>Employee badge or identification</li> <li>Buyer's club identification</li> <li>Debit or credit card</li> <li>Military identification</li> <li>Student identification</li> <li>Retirement center identification</li> <li>Neighborhood association ID</li> <li>Entertainment identification</li> <li>Public assistance identification</li> </ul>	If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election.
<u>Georgia</u> §21-2-417	Each elector shall present proper identification to a poll	<ul style="list-style-type: none"> <li>Georgia driver's license, even if expired</li> </ul>	If you show up to vote and you do not have one of the



	worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.	<ul style="list-style-type: none"> <li>› ID card issued by the state of Georgia or the federal government</li> <li>› Free voter ID card issued by the state or county</li> <li>› U.S. passport</li> <li>› Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state</li> <li>› Valid U.S. military identification card</li> <li>› Valid tribal photo ID</li> </ul>	acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to two days after the election to present appropriate photo identification at your <u>county registrar's office in order for your provisional ballot to be counted.</u>
<b>Hawaii</b> §11-136	Every person shall provide identification if so requested by a precinct official.	Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.
<u>Idaho</u> §34-1106(2), 34-1113, 34-1114	Each elector shall show a valid photo identification or personal identification affidavit.	<ul style="list-style-type: none"> <li>› Idaho driver's license</li> <li>› Idaho ID card</li> <li>› Passport</li> <li>› ID card, including a photo, issued by an agency of the U.S. government</li> <li>› Tribal ID card, including a photograph</li> <li>› Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho</li> </ul>	A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.
<u>Indiana</u> §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25	A voter who desires to vote an official ballot at an election shall provide proof of identification	Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.	Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.



<u>Kentucky</u> §117.227	Election officers shall confirm the identity of each voter by personal acquaintance or by a document.	<ul style="list-style-type: none"> <li>• Driver's license</li> <li>• Social Security card</li> <li>• Credit card</li> </ul>	When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.
<u>Louisiana</u> §18:562	Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.	<ul style="list-style-type: none"> <li>• Louisiana driver's license</li> <li>• Louisiana special ID card</li> <li>• Other generally recognized picture identification</li> </ul>	If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.
<u>Michigan</u> §168.523	Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.	<ul style="list-style-type: none"> <li>• Michigan driver's license</li> <li>• Michigan personal identification card</li> </ul> <p>A voter who does not possess either of the above may show any of the following, as long as they are current:</p> <ul style="list-style-type: none"> <li>• Driver's license or personal identification card issued by another state</li> <li>• Federal or state government-issued photo ID</li> <li>• U.S. passport</li> <li>• Military ID with photo</li> <li>• Student ID with photo -- from a high school or accredited institution of higher education</li> <li>• Tribal ID with photo</li> </ul>	An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.
<u>Missouri</u> §115-427	Before receiving a ballot, voters shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification.	<ul style="list-style-type: none"> <li>• Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority;</li> <li>• Identification issued by Missouri institution of higher education, including a university, college, vocational and</li> </ul>	If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.



		<ul style="list-style-type: none"> <li>technical school;</li> <li>A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;</li> <li>Driver's license or state identification card issued by another state.</li> </ul>	
<u>Montana</u> §13-13-114	<p>Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.</p>	<ul style="list-style-type: none"> <li>Driver's license</li> <li>School district or postsecondary education photo identification</li> <li>Tribal photo identification</li> <li>Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address</li> </ul>	<p>If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p>
<u>North Dakota</u> §16.1-05-07	<p>Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.</p>	<ul style="list-style-type: none"> <li>An official form of identification issued by the state</li> <li>An official form of identification issued by a tribal government</li> <li>A form of identification prescribed by the secretary of state</li> </ul>	<p>If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.</p>
<u>Ohio</u> §3503.16(B) (1)(a) and 3505.18(A)(1)	<p>All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.</p>	<ul style="list-style-type: none"> <li>Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio</li> <li>Current utility bill</li> <li>Current bank statement</li> <li>Current government check, paycheck or other</li> </ul>	<p>A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.</p>



		government document	
Oklahoma 26 O.S. 2001, §7-114  <i>Takes effect July 1, 2011</i>	Each person appearing to vote shall provide proof of identity.	<p>"Proof of identity" shall mean a document that satisfies the following:</p> <ul style="list-style-type: none"> <li>Shows a name that substantially conforms to the name in the precinct registry</li> <li>Shows a photograph</li> <li>Includes an expiration date that is after the date of the election</li> <li>Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation</li> </ul> <p>A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.</p>	A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the precinct registry and cast a provisional ballot.
South Carolina §7-13-710	When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.	<ul style="list-style-type: none"> <li>Voter registration certificate</li> <li>South Carolina driver's license</li> <li>South Carolina Dept. of Motor Vehicles photo ID card</li> </ul>	Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.
South Dakota §12-18-6.1 and 6.2	When a voter is requesting a ballot, the voter shall present a valid form of personal identification.	<ul style="list-style-type: none"> <li>South Dakota driver's license or nondriver identification card</li> <li>U.S. passport</li> <li>Photo ID issued by an agency of the U.S. government</li> <li>Tribal ID card, including a photo</li> <li>Student ID card, including a photo, issued by an accredited South Dakota school</li> </ul>	If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.
Tennessee §2-7-112	A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.	<ul style="list-style-type: none"> <li>Voter registration certificate</li> <li>Tennessee driver's license</li> <li>Social Security card</li> <li>Credit card bearing voter's signature</li> <li>Other document bearing voter's signature</li> </ul>	If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.
Texas Election Code §63.001 et seq.	On offering to vote, a voter must present the voter's voter registration certificate	<ul style="list-style-type: none"> <li>Voter registration certificate</li> <li>Driver's license</li> </ul>	A voter who does not present a voter registration certificate when offering to vote, but



	to an election officer at the polling place.	<ul style="list-style-type: none"> <li>› Department of Public Safety ID card</li> <li>› A form of ID containing the person's photo that establishes the person's identity</li> <li>› A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity</li> <li>› U.S. citizenship papers</li> <li>› A U.S. passport</li> <li>› Official mail addressed to the person, by name, from a governmental entity</li> <li>› A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address</li> <li>› Any other form of ID prescribed by the secretary of state</li> </ul>	whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.
<b>Utah</b> §20A-1-102(76), 20A-3-104	A voter shall present valid voter identification to one of the poll workers.	<ul style="list-style-type: none"> <li>› Current valid UT driver's license</li> <li>› Current valid identification card issued by the state or federal government</li> <li>› UT concealed weapon permit</li> <li>› U.S. passport</li> <li>› Current valid U.S. military ID card</li> <li>› Bureau of Indian Affairs card</li> <li>› Tribal treat card</li> <li>› Tribal ID card</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>› Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct</li> </ul>	The voter may cast a provisional ballot as provided by §20A-3-105.5
<u>Virginia</u> §24.2-643(B)	The officer shall ask the voter to present any one of the specified forms of identification.	<ul style="list-style-type: none"> <li>› Virginia voter registration card</li> <li>› Social Security card</li> <li>› Virginia driver's license</li> <li>› Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States</li> </ul>	If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.



		<ul style="list-style-type: none"> <li>Employee identification card containing a photograph</li> </ul>	
<b>Washington</b> §29A.44.205	Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book.	<ul style="list-style-type: none"> <li>Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card</li> <li>A voter identification issued by a county elections officer, or</li> <li>A copy of a current utility bill, bank statement, paycheck, or government check or other government document</li> </ul>	Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

### For More Information

For more information on the issue of voter identification, [contact NCSC's elections staff](#).

#### Denver Office

Tel: 303-364-7700 | Fax: 303-364-7800 | 7700  
East First Place | Denver, CO 80230

#### Washington Office

Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol  
Street, N.W., Suite 515 | Washington, D.C. 20001

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**KRIS W. KOBACH**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564

## STATE OF KANSAS

### House Committee on Elections

### Information Requested January 19, 2011

January 26, 2011

Mr. Chairman and Members of the Committee:

During my presentation to the committee on January 19, 2011, the committee made several requests for information related to voter registration and turnout in recent elections:

We are providing the following charts:

- Registration and turnout figures for the primary and general elections in 2010
- General election turnout by party affiliation for 2010, 2008 and 2006
- Voter registration, turnout, advance voting, total population and voting age population for 2010, 2008, 2006 and 2004
- Advance voting totals broken down by in-person and by-mail advance voters in 2010, 2008 and 2006
- Current voter registration totals broken down by source of applications

Secretary of State Kris W. Kobach

# General Election Statistics

## Voter Registration

Year	Republican	Democratic	Libertarian	Reform	Unaffiliated	Total
2010	766,422	460,243	10,088	1,280	486,979	1,725,012
2008	771,019	484,710	9,786	1,361	482,883	1,749,756
2006	763,992	441,833	9,191	1,463	446,538	1,663,017
2004	783,068	454,068	9,432	2,278	445,109	1,694,365
2002	742,903	441,269	9,416	1,850	420,261	1,615,699
2000	735,435	449,445	9,973	1,887	424,183	1,623,623*

\* includes 2,700 Constitution Party

## Turnout

Year	Registered Voters	Turnout	Percentage
2010	1,725,012	856,831	50%
2008	1,749,756	1,234,765	71%
2006	1,663,017	864,294	52%
2004	1,694,365	1,213,108	72%
2002	1,615,699	840,243	52%
2000	1,623,623	1,083,264	67%
1998	1,513,685	751,505	50%
1996	1,438,894	1,076,237	75%
1994	1,273,648	836,251	64%
1992	1,365,849	1,161,927	85%

## Advance Voting

Year	Voter Registration	Advance Voters	Percent
2010	1,725,012	245,089	28.6%
2008	1,749,756	428,772	34.7
2006	1,663,017	165,313	19.1
2004	1,694,365	245,827	20.2
2002	1,615,333	137,055	16.5
2000	1,622,131	185,399	17.1
1998	1,513,685	84,160	11.1
1996	1,438,894	150,000	12.9



## Primary Election Statistics

### Voter Registration

Year	Republican	Democratic	Libertarian	Reform	Unaffiliated	Total
2010	744,975	460,318	9,956	1,154	490,395	1,706,798
2008	741,786	449,058	9,152	1,344	451,631	1,652,971
2006	755,725	437,854	9,047	1,503	447,205	1,651,334
2004	730,049	428,728	9,019	1,686	421,946	1,591,428
2002	719,758	431,996	9,348	1,854	425,872	1,588,859
2000	696,480	430,410	9,369	2,194	416,971	1,557,692*

\* includes 2,256 Constitution Party

Turnout			
Year	Registered Voters	Turnout	Percentage
2010	1,706,900	429,344	25%
2008	1,652,973	371,121	23%
2006	1,651,334	298,972	18%
2004	1,591,428	488,002	31%
2002	1,588,859	410,630	26%
2000	1,557,692	425,568	27%
1998	1,493,779	439,463	29%
1996	1,352,393	532,294	39%
1994	1,273,649	458,336	36%
1992	1,187,515	516,532	44%

### Advance Voting

Year	Voter Registration	Advance Voters	Percent
2010	1,706,900	90,922	25.2
2008	1,652,973	75,384	20.3
2006	1,651,334	51,653	17.3
2004	1,591,428	62,531	12.8
2002	1,588,859	47,617	11.6
2000	1,577,692	44,512	10.6
1998	1,493,779	53,429	12.2
1996	1,352,393	43,860	8.2

OFFICE OF THE KANSAS SECRETARY OF STATE  
VOTER TURNOUT BY PARTY - KANSAS GENERAL ELECTIONS

REV. 01.19.2011

**2010 GENERAL ELECTION**

<b>PARTY</b>	<b>VOTES CAST</b>	<b>REGISTERED VOTERS</b>	<b>PERCENT</b>
Democratic	219,207	460,243	47.6%
Libertarian	3,066	10,088	30.4%
Reform	349	1,280	27.3%
Republican	486,599	766,422	63.5%
Unaffiliated	132,803	486,979	27.3%
<b>TOTALS</b>	<b>842,024</b>	<b>1,725,012</b>	<b>48.8%</b>

**2008 GENERAL ELECTION**

<b>PARTY</b>	<b>VOTES CAST</b>	<b>REGISTERED VOTERS</b>	<b>PERCENT</b>
Democratic	349,703	484,710	72.1%
Libertarian	5,272	9,786	53.9%
Reform	615	1,361	45.2%
Republican	621,715	771,019	80.6%
Unaffiliated	270,449	482,883	56.0%
<b>TOTALS</b>	<b>1,247,754</b>	<b>1,749,759</b>	<b>71.3%</b>

**2006 GENERAL ELECTION**

<b>PARTY</b>	<b>VOTES CAST</b>	<b>REGISTERED VOTERS</b>	<b>PERCENT</b>
Democratic	248,228	441,833	56.2%
Libertarian	2,764	9,191	30.1%
Reform	329	1,463	22.5%
Republican	478,642	763,992	62.7%
Unaffiliated	126,435	446,538	28.3%
<b>TOTALS</b>	<b>856,398</b>	<b>1,663,017</b>	<b>51.5%</b>

OFFICE OF THE KANSAS SECRETARY OF STATE  
VOTER REGISTRATION / POPULATION

REV. 01.19.2011

2-5

YEAR	REGISTERED VOTERS	VOTES CAST	PERCENT TURNOUT	ADVANCE VOTES	PERCENT TOTAL VOTES	POPULATION	PERCENT REGISTERED	VOTING AGE POPULATION	PERCENT REGISTERED
2010	1,725,012	856,831	49.7%	245,089	28.6%	2,818,747	61.2%	2,113,796	81.6%
2008	1,749,756	1,234,765	70.6%	428,772	34.7%	2,797,375	62.5%	2,101,649	83.3%
2006	1,663,017	864,294	52.0%	165,313	19.1%	2,755,700	60.3%	2,068,238	80.4%
2004	1,694,365	1,213,108	71.6%	245,827	20.3%	2,730,765	62.0%	2,052,011	82.6%

2-5

OFFICE OF THE KANSAS SECRETARY OF STATE  
ADVANCE VOTING PERCENTAGES

REV. 01.19.2011

7-2

YEAR	ADVANCE VOTING BY MAIL	PERCENT OF AV TOTAL	ADVANCE VOTING IN PERSON	PERCENT OF AV TOTAL	TOTAL ADVANCE VOTES	PERCENT OF TOTAL VOTES	TOTAL VOTES CAST
2010	155,655	63.2%	90,460	36.8%	246,115	28.7%	856,831
2008	304,399	71.0%	124,373	29.0%	428,772	34.7%	1,234,765
2006	96,261	57.9%	70,042	42.1%	166,303	19.2%	864,294

7-2

## CURRENT REGISTERED VOTERS - SOURCES OF REGISTRATION

SOURCE	ACTIVE	INACTIVE	TOTAL	PERCENT
ALL OTHER MEANS	591,026	32,599	623,625	36.8%
MOTOR VEHICLE OFFICES	342,951	19,496	362,447	21.4%
BY MAIL	313,739	21,911	335,650	19.8%
IN PERSON	124,030	4,331	128,361	7.6%
OTHER	69,118	2,358	71,476	4.2%
VIA CONFIRMATION MAILING	41,365	18,472	59,837	3.5%
VOTER REGISTRATION DRIVES	32,435	1,818	34,253	2.0%
DMV ON-LINE ADDRESS CHANGE	29,477	750	30,227	1.8%
ONLINE VOTER REGISTRATION	16,961	110	17,071	1.0%
PUBLIC ASSISTANCE AGENCIES	10,564	1,272	11,836	0.7%
DEPUTIZED OUTPOSTS	10,123	278	10,401	0.6%
FIRST / SECOND CLASS CITY OFFICES	6,535	336	6,871	0.4%
STATE FUNDED DISABILITY OFFICES	1,733	372	2,105	0.1%
ARMED FORCES RECRUITMENT OFFICES	512	5	517	0.0%
TOTALS	1,590,569	104,108	1,694,677	