

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 169**

As Amended by House Committee of the Whole

Brief*

Effective January 1, 2010, House Sub. for SB 169 would require photo identification of in-person voters, allow for the issuance of a free photo identification card to anyone who qualifies under specified poverty programs, change the list of acceptable identification forms for those voting by mail, require all voters to provide identification at every election, exempt certain voters from the requirement to provide identification, and change the presidential preference primary date to the first Saturday in February beginning in 2012.

The bill would make the following specific changes or additions to current law:

- Require all voters to provide identification at every election. Current law requires identification be provided only by those voting for the first time in the county who did not provide identification when registering to vote.
- Revise the array of acceptable identification documents, depending on whether the voter is voting in person or by mail (currently acceptable forms of identification are listed in detail in the “Background” of this supplemental note), as follows:
 - Require photographic identification be provided by every advance voter applying to vote in person and by every elector voting at the polls. The list of acceptable photographic identification forms includes:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Current Kansas driver's license;
 - Current Kansas nondriver's identification card;
 - United States passport;
 - Employee badge or identification;
 - Debit or credit card;
 - Student identification; or
 - Public assistance identification.
- Require an election board member to verify whether the photographic identification provided by a person voting at the polls bears a signature. If it does not, the voter would be required to provide an additional form of identification that provides the voter's signature.
 - Delete "utility bill, bank statement, paycheck and government check" from the list of acceptable identification for persons applying for an advance ballot to be transmitted by mail. The remaining acceptable identification forms would include:
 - Providing on the ballot the voter's current, valid Kansas driver's license number, nondriver's identification card number, or the last four digits of the voter's Social Security number; or
 - Providing with the application a copy of the voter's current, valid Kansas driver's license number, nondriver's identification card number, or other government document containing the voter's current name and address as indicated on the registration book.
- Exempt the following persons from voter identification requirements:
 - Persons aged 65 or older;

- Persons with a temporary or permanent physical disability;
 - Members of the military on active duty, or their spouses, who because of their duty status are absent from the county on election day;
 - Members of the merchant marine, or their spouses, who are on assignment and absent from the county on election day;
 - Eligible voters currently residing outside the United States.
- Declare as eligible to receive a nondriver's identification card free of charge upon application, in order to meet the photographic identification requirements of the bill, any person 18 or older:
 - Who receives any of a number of types of public assistance (food stamps, general assistance, supplemental security income [SSI], temporary assistance to families, Medicaid, United Tribes food distribution program, BIA general assistance, administered temporary assistance for needy families, Head Start [if the person meets its income qualifying standard], or free school lunch program) and signs an affidavit that he or she qualifies for the aid (a person signing falsely would be guilty of an unclassified misdemeanor); or
 - Whose income is 150 percent or less of the federal poverty level.
- Change the presidential preference primary date to the first Saturday in February, beginning in 2012.

Background

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 identification 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 identification 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.

Federal and Other State Requirements

The federal Help America Vote Act (HAVA) requires all states provide identification from first-time voters who registered to vote by mail and did not provide identification with their mail-in voter registration.

According to research conducted by the National Conference of State Legislatures (NCSL), 25 states have broader voter identification requirements than those required by HAVA. In these states, all voters are asked to show identification (ID) prior to voting. Eight states request or require a photo ID, and the other seventeen states accept additional forms of ID that do not necessarily include a photo. All 25 states have some recourse for voters without ID to cast a vote. Table 1 briefly summarizes the 25 states' ID requirements.

Table 1: State Requirements for Voter Identification		
States that Request or Require Photo ID	States that Require ID (Photo not Required)	
Arizona	Alabama	Montana
Florida	Alaska	New Mexico
Hawaii	Arkansas	North Dakota
Indiana	Colorado	South Carolina
Michigan	Connecticut	Tennessee
Louisiana	Delaware	Texas
Ohio	Georgia	Virginia
South Dakota	Kentucky	Washington
	Missouri	

(Source: NCSL, Updated December 13, 2007)

At the Bill's Hearing and Bill Action

The House Committee on Elections and Governmental Organization held a hearing on HB 2981, which was a modified version of SB 169 as amended by the Senate Committee of the Whole. Amendments were adopted to HB 2981, and the amended version was then substituted into SB 169, in place of its previous contents.

Senator Tim Huelskamp and a representative of the Secretary of State's Office testified in favor of HB 2981. No opponents testified.

The House Committee of the Whole amended the bill to:

- Change provisions relating to who qualifies for a free nondriver's identification card to require a person to be 18 or older and to sign an affidavit stating the person is qualified to receive a form of aid as specified in the bill. Signing a

false affidavit would make the person guilty of an unclassified misdemeanor.

- Change the date for the presidential primary.

Fiscal Impact

According to the fiscal note, passage of HB 2981 as introduced would result in no fiscal impact at the state level. An undetermined fiscal impact would be expected at the county level due to increased processing and training requirements.