

SESSION OF 2009

**SUPPLEMENTAL NOTE ON HOUSE  
SUBSTITUTE FOR SENATE BILL NO. 3**

As Recommended by House Committee on  
Elections

**Brief\***

House Sub. for SB 3 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, and exempt certain voters from the requirement to provide identification.

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. Each of the following would be considered valid if it contains the applicant's name, photograph, and signature and an expiration date which has not expired:

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\*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;
  - Military identification;
  - Student identification; or
  - Public assistance identification.
- Require an election officer to compare the signature that appears on the registration book or advance ballot application with the signature on the photographic identification, for each voter who is returning his or her advance ballot in person. If the election official is satisfied as to the identity of the voter, the election official is required to provide the advance ballot.
  - Require an election board member to verify whether the photographic identification provided by a person voting at the polls bears a signature. If the election board member is satisfied as to the identity of the voter, the election board member is required to allow the voter to vote.
  - 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 signs an affidavit that the person receives 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); or any person whose income is 150 percent or less of the federal poverty level. A person signing falsely would be guilty of an unclassified misdemeanor.

## **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), 24 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. Seven 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 24 states have some recourse for voters without ID to cast a vote. Table 1 briefly summarizes the 24 states' ID requirements.

<b>Table 1: State Requirements for Voter Identification</b>	
<b>States that Request or Require Photo ID</b>	<b>States that Require ID (Photo not Required)</b>
Florida	Alabama
Georgia	Alaska
Hawaii	Arizona
Indiana	Arkansas
Louisiana	Colorado
Michigan	Connecticut
South Dakota	Delaware
	Georgia
	Kentucky
	Missouri
	Montana
	North Dakota
	South Carolina
	Tennessee
	Texas
	Virginia
	Washington
(Source: NCSL, Updated June 19, 2008)	

At the Bill's Hearing and Bill Action

As it left the Senate, the original bill would have expanded the membership of the Confirmations Oversight Committee. The House Committee on Elections deleted the original contents and replaced them with the contents of HB 2077 as introduced but with one clarifying change. The change was to clarify the bill's requirement that the photographic identification form used include a signature.

With respect to the House Elections Committee hearing on HB 2077, Representative Mike Burgess and representatives of the Secretary of State and November Patriots testified in support of the bill. Opponents included a representative of the League of Women Voters and the Kansas chapter of the American Civil Liberties Union. Another representative of November Patriots provided neutral testimony.

Fiscal Impact

According to the corrected fiscal note on HB 2077, passage of the bill as introduced would result in an estimated FY 2010 state fiscal effect of \$248,000 for the issuance of free

nondriver identification cards. Other potential costs include possible additional programming capacity in the Department of Revenue's driver license system and additional county expenses relating to additional time for verifying signatures, processing identification documents, and training poll workers.