

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 267**

As Amended by Senate Committee on  
Ethics and Elections

**Brief\***

SB 267, which deals with voter identification and other election measures, would require all voters to show identification each time they vote; exempt permanent advance voters from this requirement; clarify that valid voter identification must include at least the voter's current name and either the voter's photograph or current residential address; require an advance voter's ballot to be provisional if the voter registers and votes within a certain time frame; and codify current procedures for verifying and maintaining the statewide voter registration list required by the federal Help America Voter Act of 2002 (HAVA).

Specifically, the bill would:

- Require all voters to present identification at every election.
  - An exception would be made for those with permanent advance voter status. Once a permanent advance voter shows valid identification, or if the permanent advance voter's registration has been verified, the voter would not have to provide identification in subsequent elections unless the voter's name or residential address changes, or the voter moves out of state or is removed from the registration list and re-registers.
- Require the identification for any voter to contain at least the voter's current name and either a photograph or the

---

\*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 residential address as indicated on the registration book.

- Require a voter's ballot to be provisional if the person submits a voter registration application and an application for an advance voting ballot during the period beginning the 20<sup>th</sup> day before the election and ending the 15<sup>th</sup> day before the election.
- Eliminate the prohibition against transmitting an advance ballot to a voter whose identification information was not provided or does not match the information on the voter registration list verified by the Division of Motor Vehicles (DMV). Instead, the bill would require a provisional ballot be issued in these instances.
- Update state statutes to reflect HAVA voter registration list maintenance requirements, by requiring the chief state election official to compare information from Kansas voter registration records as follows:
  - To driver's license records, in a manner determined by the chief state election official and the director of the DMV for the purpose of verifying the accuracy of the voter registration information;
  - To state felony conviction records for the purpose of removing the names of ineligible voters from the voter registration list; and
  - To state death records for the purpose of removing the names of ineligible voters from the voter registration list.
- Add a rule for canvassers that would require any provisional advance voting ballot to be counted if the application for voter registration is determined by the county election officer to be valid and if the county board of canvassers determines that the ballot was properly cast and the voter has not voted otherwise at the election.

## **Background**

The Secretary of State proposed the bill, the major stated purpose of which is to enhance security of the voting process by requiring voters to show identification each time they vote. Testifying in favor of the bill were a representative of the Office of Secretary of State and a Wichita area provisional ballot judge for the November 2008 election. A representative of Citizens Against Illegal Immigration: Topeka testified in opposition to the bill. Providing neutral testimony were representatives of the Kansas Association for the Blind and Visually Impaired, and November Patriots.

The Senate Committee amended the bill to:

- Exempt permanent advance voters from the requirement to provide identification at every election;
- Require a voter's ballot to be provisional if the person submits a voter registration application and an application for an advance voting ballot during the period beginning the 20<sup>th</sup> day before the election and ending the 15<sup>th</sup> day before the election and
- Make a technical change.

According to the fiscal note, passage of the bill as introduced would have no state agency fiscal effect; the negligible fiscal effect would be financed by federal funds devoted to HAVA, since the processes required by the bill are also required by HAVA.