

SESSION OF 2009

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2077

As Amended by House Committee on
Elections

Brief*

Effective January 1, 2012, HB 2077 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:

*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 of a voter, who is returning his or her advance ballot in person, that appears on the registration book or advance ballot application with the signature on the photographic identification. 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.

- Allow a voter, who is unable to produce the required photographic identification form when voting in person, to sign a statement that the voter is who he or she claims to be. The statement would be subject to felony penalties for perjury.
- 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.

Table 1: State Requirements for Voter Identification	
States that Request or Require Photo ID	States that Require ID (Photo not Required)
Florida Georgia Hawaii Indiana Louisiana Michigan South Dakota	Alabama Alaska Arizona Arkansas Colorado Connecticut 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

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.

The House Committee on Elections amended the bill as follows:

- Allow a voter, who is unable to produce the required photographic identification form when voting in person, to sign an affidavit stating the voter is who he or she claims to be.
- Clarify the bill's requirement that the photographic identification form used must include a signature.
- Delay the effective date of the bill until January 1, 2012.

Fiscal Impact

According to the corrected fiscal note, passage of HB 2077 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.