

## HOUSE BILL No. 2449

By Committee on Elections

Requested by Representative Proctor

1-15

1 AN ACT concerning elections; relating to voter registration; authorizing  
2 the removal of a voter from voter registration rolls if such voter is  
3 issued a driver's license by another state; requiring an attestation on  
4 voter registration forms that states that obtaining a foreign driver's  
5 license constitutes a change of residency for voting purposes; amending  
6 K.S.A. 25-2309 and K.S.A. 2025 Supp. 25-2324 and repealing the  
7 existing sections.  
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 25-2309 is hereby amended to read as follows: 25-  
11 2309. (a) Any person may apply in person, by mail, through a voter  
12 registration agency; or by other delivery to a county election officer to be  
13 registered. Such application shall be made on: (1) A form approved by the  
14 secretary of state, and such form shall be provided by a county election  
15 officer or chief state election official upon request in person, by telephone  
16 or in writing; or (2) the national mail voter registration form issued  
17 pursuant to federal law.

18 Such application shall be signed by the applicant under penalty of  
19 perjury and shall contain the original signature of the applicant or the  
20 computerized, electronic or digitized transmitted signature of the  
21 applicant. A signature may be made by mark, initials, typewriter, print,  
22 stamp, symbol or any other manner if by placing the signature on the  
23 document the person intends the signature to be binding. A signature may  
24 be made by another person at the voter's direction if the signature reflects  
25 such voter's intention.

26 (b) Applications made under this section shall give voter eligibility  
27 requirements and such information as is necessary to prevent duplicative  
28 voter registrations and enable the relevant election officer to assess the  
29 eligibility of the applicant and to administer voter registration, including,  
30 but not limited to, the following data to be kept by the relevant election  
31 officer as provided by law:

32 (1) Name;  
33 (2) place of residence, including specific address or location, and  
34 mailing address if the residence address is not a permissible postal address;  
35 (3) date of birth;

1       (4) sex;

2       (5) the last four digits of the person's social security number or the

3       person's full driver's license or nondriver's identification card number;

4       (6) telephone number, if available;

5       (7) naturalization data, if applicable;

6       (8) if applicant has previously registered or voted elsewhere,

7       residence at time of last registration or voting;

8       (9) when present residence established;

9       (10) *an attestation that if the applicant obtains a driver's license*

10      *issued by another jurisdiction, such fact constitutes a change in residency*

11      *for voter registration purposes;*

12       (11) name under which applicant last registered or voted, if different

13      from present name;

14       (11)(12) an attestation that the applicant meets each eligibility

15      requirement;

16       (12)(13) a statement that the penalty for submission of a false voter

17      registration application is a maximum presumptive sentence of 17 months

18      in prison;

19       (13)(14) a statement that, if an applicant declines to register to vote,

20      the fact that the applicant has declined to register—will shall remain

21      confidential and—will shall be used only for voter registration purposes;

22       (14)(15) a statement that if an applicant does register to vote, the

23      office to which a voter registration application is submitted—will shall

24      remain confidential and—will shall be used only for voter registration

25      purposes;

26       (15)(16) boxes for the applicant to check to indicate whether the

27      applicant is or is not a citizen of the United States, together with the

28      question "Are you a citizen of the United States of America?";

29       (16)(17) boxes for the county election officer or chief state election

30      official to check to indicate whether the applicant has provided with the

31      application the information necessary to assess the eligibility of the

32      applicant, including such applicant's United States citizenship;

33       (17)(18) boxes for the applicant to check to indicate whether or not

34      the applicant will be 18 years of age or older on election day, together with

35      the question "Will you be 18 years of age on or before election day?";

36       (18)(19) in reference to paragraphs (15) and (17) (16) and (18) the

37      statement "If you checked 'no' in response to either of these questions, do

38      not complete this form.";

39       (19)(20) a statement that the applicant shall be required to provide

40      identification when voting; and

41       (20)(21) political party affiliation declaration, if any. An applicant's

42      failure to make a declaration—will shall result in the applicant being

43      registered as an unaffiliated voter.

1     If the application discloses any previous registration in any other  
2 county or state, as indicated by paragraph (8) or ~~(10)~~ (11), or otherwise, the  
3 county election officer shall, upon the registration of the applicant, give  
4 notice to the election official of the place of former registration, notifying  
5 such official of applicant's present residence and registration; and  
6 authorizing cancellation of such former registration. This section shall be  
7 interpreted and applied in accordance with federal law. No eligible  
8 applicant whose qualifications have been assessed shall be denied  
9 registration.

10    (c) Any person who applies for registration through a voter  
11 registration agency shall be provided with, in addition to the application  
12 under subsection (b), a form that includes:

13      (1) The question "If you are not registered to vote where you live  
14 now, would you like to apply to register to vote here today?";

15      (2) a statement that if the applicant declines to register to vote, this  
16 decision ~~will~~ shall remain confidential and be used only for voter  
17 registration purposes;

18      (3) a statement that if the applicant does register to vote, information  
19 regarding the office to which the application was submitted ~~will~~ shall  
20 remain confidential and be used only for voter registration purposes; and

21      (4) if the agency provides public assistance:

22      ~~(4)~~(A) The statement "Applying to register or declining to register to  
23 vote will not affect the amount of assistance that you will be provided by  
24 this agency.";

25      ~~(ii)~~(B) boxes for the applicant to check to indicate whether the  
26 applicant would like to register or declines to register to vote, together  
27 with the statement "IF YOU DO NOT CHECK EITHER BOX, YOU  
28 WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO  
29 VOTE AT THIS TIME.";

30      ~~(iii)~~(C) the statement "If you would like help in filling out the voter  
31 registration application form, we will help you. The decision whether to  
32 seek or accept help is yours. You may fill out the application form in  
33 private.;" and

34      ~~(iv)~~(D) the statement "If you believe that someone has interfered with  
35 your right to register or to decline to register to vote, your right to privacy  
36 in deciding whether to register or in applying to register to vote, or your  
37 right to choose your own political party or other political preference, you  
38 may file a complaint with the Kansas Secretary of State."

39      (d) If any person, in writing, declines to register to vote, the voter  
40 registration agency shall maintain the form prescribed by subsection (c).

41      (e) A voter registration agency shall transmit the completed  
42 registration application to the county election officer not later than five  
43 days after the date of acceptance. Upon receipt of an application for

1 registration, the county election officer shall send, by nonforwardable  
2 mail, a notice of disposition of the application to the applicant at the postal  
3 delivery address shown on the application. If a notice of disposition is  
4 returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-  
5 2316c, and amendments thereto, shall occur.

6 (f) If an application is received while registration is closed, such  
7 application shall be considered to have been received on the next  
8 following day during which registration is open.

9 (g) A person who completes an application for voter registration shall  
10 be considered a registered voter when the county election officer adds the  
11 applicant's name to the county voter registration list.

12 (h) Any registered voter whose residence address is not a permissible  
13 postal delivery address shall designate a postal address for registration  
14 records. When a county election officer has reason to believe that a voter's  
15 registration residence is not a permissible postal delivery address, the  
16 county election officer shall attempt to determine a proper mailing address  
17 for the voter.

18 (i) Any registered voter may request that such person's residence  
19 address be concealed from public inspection on the voter registration list  
20 and on the original voter registration application form. Such request shall  
21 be made in writing to the county election officer; and shall specify a  
22 clearly unwarranted invasion of personal privacy or a threat to the voter's  
23 safety. Upon receipt of such a request, the county election officer shall take  
24 appropriate steps to ensure that such person's residence address is not  
25 publicly disclosed. Nothing in this subsection shall be construed as  
26 requiring or authorizing the secretary of state to include on the voter  
27 registration application form a space or other provision on the form that  
28 would allow the applicant to request that such applicant's residence  
29 address be concealed from public inspection.

30 (j) No application for voter registration shall be made available for  
31 public inspection or copying unless the information required by subsection  
32 (b)(5) has been removed or otherwise rendered unreadable.

33 (k) If an applicant fails to answer the question prescribed in  
34 subsection ~~(b)(15)~~ (b)(16), the county election officer shall send the  
35 application to the applicant at the postal delivery address given on the  
36 application, by nonforwardable mail, with a notice of incompleteness. The  
37 notice shall specify a period of time during which the applicant may  
38 complete the application in accordance with K.S.A. 25-2311, and  
39 amendments thereto, and be eligible to vote in the next election.

40 (l) The county election officer or secretary of state's office shall  
41 accept any completed application for registration, but an applicant shall  
42 not be registered until the applicant has provided satisfactory evidence of  
43 United States citizenship. Evidence of United States citizenship as

1 required in this section—*will shall* be satisfied by presenting one of the  
2 documents listed in subsection (l)(1) through (l)(13) in person at the time  
3 of filing the application for registration or by including a photocopy of one  
4 of the following documents with a mailed registration application. After a  
5 person has submitted satisfactory evidence of citizenship, the county  
6 election officer shall indicate this information in the person's permanent  
7 voter file. Evidence of United States citizenship shall be satisfied by  
8 providing one of the following, or a legible photocopy of one of the  
9 following documents:

- 10       (1) The applicant's driver's license or nondriver's identification card  
11 issued by the division of vehicles or the equivalent governmental agency  
12 of another state within the United States if the agency indicates on the  
13 applicant's driver's license or nondriver's identification card that the person  
14 has provided satisfactory proof of United States citizenship;
- 15       (2) the applicant's birth certificate that verifies United States  
16 citizenship to the satisfaction of the county election officer or secretary of  
17 state;
- 18       (3) pertinent pages of the applicant's United States valid or expired  
19 passport identifying the applicant and the applicant's passport number, or  
20 presentation to the county election officer of the applicant's United States  
21 passport;
- 22       (4) the applicant's United States naturalization documents or the  
23 number of the certificate of naturalization. If only the number of the  
24 certificate of naturalization is provided, the applicant shall not be included  
25 in the registration rolls until the number of the certificate of naturalization  
26 is verified with the United States bureau of citizenship and immigration  
27 services by the county election officer or the secretary of state, pursuant to  
28 8 U.S.C. § 1373(c);
- 29       (5) other documents or methods of proof of United States citizenship  
30 issued by the federal government pursuant to the immigration and  
31 nationality act of 1952;
- 32       (6) the applicant's bureau of Indian affairs card number, tribal treaty  
33 card number or tribal enrollment number;
- 34       (7) the applicant's consular report of birth abroad of a citizen of the  
35 United States of America;
- 36       (8) the applicant's certificate of citizenship issued by the United  
37 States citizenship and immigration services;
- 38       (9) the applicant's certification of report of birth issued by the United  
39 States department of state;
- 40       (10) the applicant's American Indian card, with KIC classification,  
41 issued by the United States department of homeland security;
- 42       (11) the applicant's final adoption decree showing the applicant's  
43 name and United States birthplace;

1       (12) the applicant's official United States military record of service  
2 showing the applicant's place of birth in the United States; or

3       (13) an extract from a United States hospital record of birth created at  
4 the time of the applicant's birth indicating the applicant's place of birth in  
5 the United States.

6       (m) If an applicant is a United States citizen but does not have any of  
7 the documentation listed in this section as satisfactory evidence of United  
8 States citizenship, such applicant may submit any evidence that such  
9 applicant believes demonstrates the applicant's United States citizenship.

10      (1) Any applicant seeking an assessment of evidence under this  
11 subsection may directly contact the elections division of the secretary of  
12 state by submitting a voter registration application or form as described by  
13 this section and any supporting evidence of United States citizenship.  
14 Upon receipt of this information, the secretary of state shall notify the state  
15 election board, as established under K.S.A. 25-2203, and amendments  
16 thereto, that such application is pending.

17      (2) The state election board shall give the applicant an opportunity for  
18 a hearing and an opportunity to present any additional evidence to the state  
19 election board. Notice of such hearing shall be given to the applicant at  
20 least five days prior to the hearing date. An applicant shall have the  
21 opportunity to be represented by counsel at such hearing.

22      (3) The state election board shall assess the evidence provided by the  
23 applicant to determine whether the applicant has provided satisfactory  
24 evidence of United States citizenship. A decision of the state election  
25 board shall be determined by a majority vote of the election board.

26      (4) If an applicant submits an application and any supporting  
27 evidence prior to the close of registration for an election cycle, a  
28 determination by the state election board shall be issued at least five days  
29 before such election date.

30      (5) If the state election board finds that the evidence presented by  
31 such applicant constitutes satisfactory evidence of United States  
32 citizenship, such applicant ~~will~~ *shall* have met the requirements under this  
33 section to provide satisfactory evidence of United States citizenship.

34      (6) If the state election board finds that the evidence presented by an  
35 applicant does not constitute satisfactory evidence of United States  
36 citizenship, such applicant shall have the right to appeal such  
37 determination by the state election board by instituting an action under  
38 U.S.C. § 1503. Any negative assessment of an applicant's eligibility by the  
39 state election board shall be reversed if the applicant obtains a declaratory  
40 judgment pursuant to 8 U.S.C. § 1503, demonstrating that such applicant is  
41 a national of the United States.

42      (n) Any person who is registered in this state on the effective date of  
43 this amendment to this section is deemed to have provided satisfactory

1 evidence of citizenship and shall not be required to resubmit evidence of  
2 citizenship.

3 (o) For purposes of this section, proof of voter registration from  
4 another state is not satisfactory evidence of United States citizenship.

5 (p) A registered Kansas voter who moves from one residence to  
6 another within the state of Kansas or who modifies such voter's  
7 registration records for any other reason shall not be required to submit  
8 evidence of United States citizenship.

9 (q) If evidence of citizenship is deemed to be unsatisfactory due to an  
10 inconsistency between the document submitted as evidence and the name  
11 or sex provided on the application for registration, such applicant may sign  
12 an affidavit:

13 (1) Stating the inconsistency or inconsistencies related to the name or  
14 sex, and the reason therefor; and

15 (2) swearing under oath that, despite the inconsistency, the applicant  
16 is the individual reflected in the document provided as evidence of  
17 citizenship. However, there shall be no inconsistency between the date of  
18 birth on the document provided as evidence of citizenship and the date of  
19 birth provided on the application for registration. If such an affidavit is  
20 submitted by the applicant, the county election officer or secretary of state  
21 shall assess the eligibility of the applicant without regard to any  
22 inconsistency stated in the affidavit.

23 (r) All documents submitted as evidence of citizenship shall be kept  
24 confidential by the county election officer or the secretary of state and  
25 maintained as provided by Kansas record retention laws.

26 (s) The secretary of state may adopt rules and regulations in order to  
27 implement the provisions of this section.

28 (t) Nothing in this section shall prohibit an applicant from providing,  
29 or the secretary of state or county election officer from obtaining  
30 satisfactory evidence of United States citizenship, as described in  
31 subsection (l), at a different time or in a different manner than an  
32 application for registration is provided, as long as the applicant's eligibility  
33 can be adequately assessed by the secretary of state or county election  
34 officer as required by this section.

35 Sec. 2. K.S.A. 2025 Supp. 25-2324 is hereby amended to read as  
36 follows: 25-2324. (a) *Every quarter*, the director of the division of motor  
37 vehicles shall provide a list of all permanent and temporary drivers'  
38 licenses issued to noncitizens—~~quarterly and forward this list to the~~  
39 secretary of state. The list of noncitizens shall contain the names,  
40 addresses, phone numbers, social security numbers, dates of birth, alien  
41 registration numbers, temporary drivers' license numbers and expiration  
42 dates of such licenses. The secretary of state shall compare such lists with  
43 the voter registration rolls and, after an investigation, direct the county

1 election officer to remove within five business days any names of  
2 noncitizens that appear on the voter rolls. The county election officer shall  
3 notify any person removed from the voter registration rolls that the person  
4 may be reinstated on the voter registration rolls by providing proof of their  
5 citizenship.

6 *(b) Every quarter, the director of the division of motor vehicles shall*  
7 *provide a list of all permanent and temporary driver's licenses issued to*  
8 *persons who have subsequently been issued a driver's license by another*  
9 *jurisdiction to the secretary of state. The list shall contain the names,*  
10 *addresses, phone numbers, dates of birth, driver's license numbers and*  
11 *expiration dates for such licenses. The secretary of state shall compare*  
12 *such lists with the voter registration rolls and, after an investigation,*  
13 *direct the county election officer to remove within five business days any*  
14 *names of such persons that appear on the voter rolls. The county election*  
15 *officer shall notify any person removed from the voter registration rolls*  
16 *that such person may be reinstated on the voter registration rolls by*  
17 *providing proof of residency in this state.*

18 Sec. 3. K.S.A. 25-2309 and K.S.A. 2025 Supp. 25-2324 are hereby  
19 repealed.

20 Sec. 4. This act shall take effect and be in force from and after its  
21 publication in the statute book.