

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 (i)(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 8
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.