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JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS
CHAIRMAN SEN. VICKI SCHMIDT
COMMENTS

Chairman and Committee:

First, I apologize for not having these comments to you earlier. I did not realize that your committee was discussing the rules and regulations on the Voter ID/Proof of Citizenship law. I wanted to make you aware of some concerns I have about the rules and regulations proposed to implement this law.

KAR 7-46-2 Election Board worker assessment of validity of photographic identification documents

- Section D says that there are a number of situations whereby the voter would have to use a provisional ballot if the voter's name is different than the name in the poll book, but it is not clear if any further action is needed by the voter prior to the canvass date. How will the county board of canvassers know whether the voter's provisional ballot should be counted?
- The same question would apply if a provisional ballot is required because the election board worker thought the photo ID did not depict the voter. Is there some document available to give the voter who has to use a provisional ballot to let them know they must provide additional documentation, what they must provide and by when?
- What photo identification training is being required of poll workers? Is it similar to that used in the motor vehicle department?

KAR 7-46-1 Postelection submission of photographic identification by provisional voter

- What other "electronic means" are approved by the secretary than those listed in the rules and regulations?
- If the voter submits a photo by electronic means to the election office, what good will that do since there is no way for the board of canvassers to compare that to the person who tried to vote? They could send in a photo of anyone. For example, if the voter presented their drivers license and that was rejected at the polls, what are they to

submit for proof of identification later electronically? Anything can be faked on a facsimile or email.

KAR 7-36-7 Processing advance voting ballot applications

- What training is being provided to election officers for signature verification?
- Will voters requesting advance ballots who get a provisional ballot be informed that they have to meet additional requirements when returning the ballots?
- Can we get a copy of the new mail-in envelope used with the advance ballots?

KAR 7-23-14 Assessing documents submitted as evidence of United States citizenship

- What document will be provided to a person registering to vote to let them know what they need to bring if they fail to bring satisfactory documentation at the time of registration? Will those registering people in malls, churches, etc., have something to give registrants so they are aware that they are not actually registered until they provide additional documentation? We don't want people showing up to vote thinking they registered at the mall when their registrations were not finalized. This will be a problem for years to come as the department of motor vehicles will cycle through all renewing drivers to collect their birth certificates.
- Are those registering voters at malls, churches, etc., supposed to make copies of peoples' birth certificates?
- Will birth certificates have to have the raised stamp to be valid? If so, then how will electronic means satisfy the requirement?
- Will naturalized citizens be notified that their registration will not be finalized until the citizenship is verified with the US government? Should this be covered in the regulations? What if the election office cannot accomplish this prior to the close of registration? Will the voter be notified?
- I understand that the department of motor vehicles is moving toward requiring those renewing licenses to provide birth certificates. However, the National Voter Registration Act of 1993 also requires that those receiving social assistance must also be provided the opportunity to register to vote. What efforts are underway to build a database in social service agencies so that citizenship documents can be sent to the election offices electronically?

GENERAL QUESTIONS

- Will voters be notified if their provisional ballots are not counted due to the photo identification requirements?
- Will registrants be notified if their registrations are not finalized due to citizenship requirements?
- Should there be additional rules about retaining provisional ballots so that we can do a detailed analysis of the impact of the SAFE Act on voter suppression?

CC: Kansas Secretary of State
House Elections Committee Chairman
Senate Ethics and Elections Committee Chairman