

Written testimony submitted by David Losey before the Kansas House Elections Committee on February 8, 2012 regarding HB 2224, AN ACT concerning elections; requiring candidates for state and federal office to provide proof of citizenship; amending K.S.A. 25-202 and repealing the existing section.

My testimony will focus upon the portion of the bill dealing with the verification of the eligibility of the President/Vice-Presidential candidates as spelled out in the U.S. Constitution. Article II, Section 1, Clause 5 states,

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

Since 2004 the Democrat Party's letter of nomination of its candidates for President and Vice-President sent to the State of Kansas has failed to indicate that the Party has certified that the nominees are eligible for the office according to the requirements spelled out in the Constitution. This has allowed candidates to be placed on the ballot in Kansas without any actual verification of their eligibility. This bill corrects that omission by giving the Secretary of State the authority to verify candidate eligibility.

New Sec. 2. (a) The national political party committee for a candidate for president for a party that is entitled to continued representation on the ballot shall provide to the secretary of state written notice of that party's nomination of its candidates for president and vice-president. Within 10 days after the submittal of the names of the candidates, the national political party committee shall submit proof of the candidates' United States citizenship to the secretary of state in the form of a certified copy of the candidates' birth certificates and the candidates' drivers licenses or other government issued identification. (b) If the national political party committee does not submit the documents required by this section, the secretary of state shall not place those candidates' names on the ballot in this state.

I would suggest an addition to this bill in order to include verification of the third Constitutional requirement, "and have been fourteen years a resident within the United States". We should not be in the position of verifying only part of the requirements. This can be satisfied by a sworn affidavit from the candidates indicating they have met this requirement.

I can think of nothing more important to the governance of our Country and the protection of individual liberties than following the Constitution, especially in this case. How absurd would it be to have a President who is not eligible for the office swear "to support and defend" the Constitution? Or how preposterous would it be to have a President whose national loyalties are not solely to the United States of America? And how could someone who has ignored the Constitution in order to get elected be relied upon to enforce the laws of the land and faithfully execute the duties of the office?

I strongly urge you to pass this bill!

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