

HOUSE BILL No. 2720

By Committee on Elections

2-10

1 AN ACT concerning elections; relating to forms of identification;
2 amending K.S.A. 2011 Supp. 25-2908 and repealing the existing
3 section.

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

6 Section 1. K.S.A. 2011 Supp. 25-2908 is hereby amended to read as
7 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
8 book and a poll book, as defined in *subsection (a) of K.S.A. 25-2507(a)*
9 and *subsection (b)(1) of K.S.A. 25-2507(b)(1)*, and amendments thereto; or
10 (2) a registration book, as defined in *subsection (b)(2) of K.S.A. 25-*
11 *2507(b)(2)*, and amendments thereto. The county election officer shall
12 determine which books are used in each county, and which book voters
13 shall sign.

14 (b) A person desiring to vote shall provide to the election board: (1)
15 The voter's name; (2) if required, the voter's address; (3) the voter's
16 signature on the registration or poll book; and (4) a valid form of
17 identification listed in subsection (h). A signature may be made by mark,
18 initials, typewriter, print, stamp, symbol or any other manner if by placing
19 the signature on the document the person intends the signature to be
20 binding. A signature may be made by another person at the voter's
21 direction if the signature reflects such voter's intention.

22 (c) A member of the election board shall:

23 (1) Announce the voter's name in a loud and distinct tone of voice,
24 and, if the name is in the registration books, the member of the election
25 board having the registration record shall repeat the name;

26 (2) request the voter's signature on the registration or poll book;

27 (3) provide the required signature at the request of and on behalf of
28 any voter who is unable to personally affix a signature by reason of
29 temporary illness or disability, or lack of proficiency in reading the English
30 language;

31 (4) request a valid form of identification from the voter. If the
32 member of the election board is satisfied that the voter is the person
33 depicted in the identification and that the identification provided is one of
34 the valid forms of identification listed in subsection (h), the member of the
35 election board shall place such member's initials in the space provided and
36 allow the voter to vote;

1 (5) give the voter one ballot, on the upper right-hand corner of which
2 shall be written the number corresponding to the voter's number in the
3 registration book or poll book; and

4 (6) mark the voter's name in the registration book and party affiliation
5 list.

6 (d) If a voter is unable or refuses to provide current and valid
7 identification, the voter may vote a provisional ballot pursuant to K.S.A.
8 25-409, and amendments thereto. If the voter's name and address do not
9 match the voter's name and address on the registration book or poll book,
10 the voter may vote a provisional ballot according to K.S.A. 25-409, and
11 amendments thereto. The voter shall provide a valid form of identification
12 as defined in subsection (h) of this section to the county election officer in
13 person or provide a copy by mail or electronic means before the meeting
14 of the county board of canvassers. At the meeting of the county board of
15 canvassers the county election officer shall present copies of identification
16 received from provisional voters and the corresponding provisional ballots.
17 If the county board of canvassers determines that a voter's identification is
18 valid and the provisional ballot was properly cast, the ballot shall be
19 counted.

20 (e) If the name of any person desiring to vote at an election is not in
21 the registration books, an election board member shall print the name and
22 address of the person appearing to vote in the registration book or poll
23 book. The person appearing to vote shall add such person's signature to the
24 registration book or poll book beside such person's printed name, as listed
25 in the registration book or poll book, and the election board judge shall
26 challenge such person's vote pursuant to K.S.A. 25-414, and amendments
27 thereto. During the pendency of a challenge other voters shall be given
28 ballots and be permitted to vote.

29 (f) A voter who has received an advance voting ballot may vote a
30 provisional ballot on election day at the precinct polling place where the
31 voter resides. If the voter returns the advance voting ballot to a judge or
32 clerk at the precinct polling place, the judge or clerk shall void such
33 advance voting ballot. Any such provisional ballot shall be counted only if
34 the county board of canvassers determines that the provisional ballot was
35 properly cast and the voter has not otherwise voted at such election.

36 (g) The secretary of state may adopt rules and regulations in order to
37 implement the provisions of this section and define valid forms of
38 identification with greater specificity, however the requirement that a voter
39 must provide a form of identification that complies with the subsection (h)
40 may not be altered.

41 (h) (1) The following forms of identification shall be valid if the
42 identification contains the name and photograph of the voter and has not
43 expired. Expired documents shall be valid if the bearer of the document is

1 65 years of age or older:

2 (A) A driver's license issued by Kansas or by another state or district
3 of the United States;

4 (B) a state identification card issued by Kansas or by another state or
5 district of the United States;

6 (C) a concealed carry of handgun license issued by Kansas or a
7 concealed carry of handgun or weapon license issued by another state or
8 district of the United States;

9 (D) a United States passport;

10 (E) an employee badge or identification document issued by a
11 municipal, county, state, or federal government office or agency;

12 (F) a military identification document issued by the United States;

13 (G) a student identification card issued by an accredited
14 postsecondary institution of education in the state of Kansas; or

15 (H) a public assistance identification card issued by a municipal,
16 county, state, or federal government office or agency; or

17 (I) *an identification card issued by an Indian tribe.*

18 (2) If the person fails to furnish the identification required by this
19 subsection, the person shall be allowed to vote a provisional ballot. The
20 canvassing board shall determine the validity of the ballot pursuant to
21 K.S.A. 25-3002, and amendments thereto.

22 (i) The following persons are exempt from the photographic
23 identification document requirements of this section:

24 (1) Persons with a permanent physical disability that makes it
25 impossible for such persons to travel to a county or state office to obtain a
26 qualifying form of identification and have qualified for permanent advance
27 voting status under K.S.A. 25-1124, and amendments thereto;

28 (2) members of the uniformed service on active duty who, by reason
29 of such active duty, are absent from the county on election day;

30 (3) members of the merchant marine who, by reason of service in the
31 merchant marine, are absent from the county on election day;

32 (4) the spouse or dependent of a member referred to in paragraph (2)
33 or (3), who, by reason of the active duty or service of the member, is
34 absent from the county on election day; and

35 (5) any voter whose religious beliefs prohibit photographic
36 identification. Any person seeking an exemption under this provision must
37 complete and transmit a declaration concerning such religious beliefs to
38 the county election officer or the Kansas secretary of state. The declaration
39 form shall be available on the official website of the Kansas secretary of
40 state.

41 (j) *"Indian tribe" or "tribe" means any Indian tribe, band, nation or*
42 *other organized group or community of Indians recognized as eligible for*
43 *the services provided to Indians by the secretary of the interior because of*

1 *their status as Indians, including any Alaska native village as defined in*
2 *43 U.S.C. § 1602(c).*

3 Sec. 2. K.S.A. 2011 Supp. 25-2908 is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the Kansas register.

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