

HOUSE BILL No. 2038

By Committee on Elections

1-17

1 AN ACT concerning elections; relating to voter identification; requiring
2 postsecondary educational institutions to indicate when a student's
3 identification issued by such institution cannot be used for voting
4 purposes; amending K.S.A. 25-1122d and K.S.A. 2022 Supp. 25-2908
5 and repealing the existing sections.
6

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

8 New Section 1. (a) Any accredited postsecondary educational
9 institution in this state that issues a student identification card to a student
10 and knows such student is not a citizen of the United States or is otherwise
11 not a legally qualified voter shall include the following statement on the
12 front of such student's identification card: "Cannot be used for voting
13 purposes."

14 (b) As used in this section, "postsecondary educational institution"
15 means the same as defined in K.S.A. 74-3201b, and amendments thereto.

16 Sec. 2. K.S.A. 25-1122d is hereby amended to read as follows: 25-
17 1122d. (a) The application for an advance voting ballot to be transmitted
18 by mail shall be accompanied by an affirmation in substance as follows:

19 Affirmation of an Elector of the County of _____ and State
20 of Kansas Desiring to Vote an Advance Voting Ballot

21 State of _____, County of _____, ss:

22 I, _____

23 (Please print name)

24 do solemnly affirm under penalty of perjury that I am a qualified elector of
25 the _____ precinct of the _____ ward, residing at number _____ on
26 _____ street, city of _____, or in the township of
27 _____, county of _____, and state of Kansas. My date of birth
28 is _____ (month/day/year).

29 I understand that a current and valid Kansas driver's license number or
30 Kansas nondriver's identification card number must be provided in order to
31 receive a ballot. If I do not have a current and valid Kansas driver's license
32 number or Kansas nondriver's identification card number, I must provide
33 one of the following forms of identification with this application in order
34 to receive a ballot:

35 A copy of any one of the following types of photographic identification:
36 A driver's license issued by Kansas or by another state or district of the

1 United States, a state identification card issued by Kansas or by another
 2 state or district of the United States, a concealed carry of handgun license
 3 issued by Kansas or a concealed carry of handgun or weapon license
 4 issued by another state or district of the United States, a United States
 5 passport, an employee badge or identification document issued by a
 6 municipal, county, state, or federal government office or agency, a military
 7 identification document issued by the United States, a student
 8 identification card issued by an accredited ~~post secondary~~ *postsecondary*
 9 *educational* institution ~~of education~~ in the state of Kansas, or a public
 10 assistance identification card issued by a municipal, county, state, or
 11 federal government office or agency.

12 I am entitled to vote an advance voting ballot and I have not voted and
 13 will not otherwise vote at the election to be held on _____ (date).
 14 My political party is _____ (to be filled in only when requesting
 15 primary election ballots). I desire my ballots to be sent to the following
 16 address:

17 _____
 18 _____
 19 _____ Signature of voter.

20 Note: False statement on this affirmation is a severity level 9,
 21 nonperson felony.

22
 23 (b) The application for an advance voting ballot to be transmitted in
 24 person shall be accompanied by an affirmation in substance as follows:

25
 26 Affirmation of an Elector of the County of _____ and State
 27 of Kansas Desiring to Vote an Advance Voting Ballot

28 State of _____, County of _____, ss:

29 I, _____
 30 (Please print name)

31 do solemnly affirm under penalty of perjury that I am a qualified elector of
 32 the _____ precinct of the _____ ward, residing at number _____
 33 on _____ street, city of _____, or in the township of
 34 _____, county of _____, and state of Kansas. My date of birth is
 35 _____ (month/day/year).

36 I am entitled to vote an advance voting ballot and I have not voted and
 37 will not otherwise vote at the election to be held on _____ (date).
 38 My political party is _____ (to be filled in only when requesting
 39 primary election ballots).

40 _____
 41 _____
 42 _____ Signature of voter.

43 Note: False statement on this affirmation is a severity level 9,

1 nonperson felony.

2

3 (c) An application for permanent advance voting status shall be on a
4 form prescribed by the secretary of state for this purpose. Such application
5 shall contain an affirmation concerning substantially the same information
6 required in subsection (a) and in addition thereto a statement regarding the
7 permanent character of such illness or disability.

8 (d) Any application by a former precinct resident shall state both the
9 former and present residence, address, precinct and county of such former
10 precinct resident and the date of change of residence.

11 (e) The secretary of state may adopt rules and regulations in order to
12 implement the provisions of this section.

13 Sec. 3. K.S.A. 2022 Supp. 25-2908 is hereby amended to read as
14 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
15 book and a poll book, as defined in K.S.A. 25-2507(a) and 25-2507(b)(1),
16 and amendments thereto; or (2) a registration book, as defined in K.S.A.
17 25-2507(b)(2), and amendments thereto. The county election officer shall
18 determine which books are used in each county, and which book voters
19 shall sign.

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

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

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

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

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

37 (4) request a valid form of identification from the voter. If the
38 member of the election board is satisfied that the voter is the person
39 depicted in the identification and that the identification provided is one of
40 the valid forms of identification listed in subsection (h), the member of the
41 election board shall place such member's initials in the space provided and
42 allow the voter to vote;

43 (5) give the voter one ballot, on the upper right-hand corner of which

1 shall be written the number corresponding to the voter's number in the
2 registration book or poll book; and

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

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

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

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

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

40 (h) (1) The following forms of identification shall be valid if the
41 identification contains the name and photograph of the voter and has not
42 expired. Expired documents shall be valid if the bearer of the document is
43 65 years of age or older:

- 1 (A) A driver's license issued by Kansas or by another state or district
2 of the United States;
- 3 (B) a state identification card issued by Kansas or by another state or
4 district of the United States;
- 5 (C) a concealed carry of handgun license issued by Kansas or a
6 concealed carry of handgun or weapon license issued by another state or
7 district of the United States;
- 8 (D) a United States passport;
- 9 (E) an employee badge issued by a municipal, county, state, or federal
10 government office or agency;
- 11 (F) a military identification document issued by the United States;
- 12 (G) a student identification card issued by an accredited
13 postsecondary *educational* institution ~~of education~~ in the state of Kansas;
- 14 (H) a public assistance identification card issued by a municipal,
15 county, state, or federal government office or agency; or
- 16 (I) an identification card issued by an Indian tribe.
- 17 (2) If the person fails to furnish the identification required by this
18 subsection, the person shall be allowed to vote a provisional ballot. The
19 canvassing board shall determine the validity of the ballot pursuant to
20 K.S.A. 25-3002, and amendments thereto.
- 21 (i) The following persons are exempt from the photographic
22 identification document requirements of this section:
- 23 (1) Persons with a permanent physical disability that makes it
24 impossible for such persons to travel to a county or state office to obtain a
25 qualifying form of identification and have qualified for permanent advance
26 voting status under K.S.A. 25-1124, and amendments thereto;
- 27 (2) members of the uniformed service on active duty who, by reason
28 of such active duty, are absent from the county on election day;
- 29 (3) members of the merchant marine who, by reason of service in the
30 merchant marine, are absent from the county on election day;
- 31 (4) the spouse or dependent of a member referred to in paragraph (2)
32 or (3), who, by reason of the active duty or service of the member, is
33 absent from the county on election day; and
- 34 (5) any voter whose religious beliefs prohibit photographic
35 identification. Any person seeking an exemption under this provision must
36 complete and transmit a declaration concerning such religious beliefs to
37 the county election officer or the Kansas secretary of state. The declaration
38 form shall be available on the official website of the Kansas secretary of
39 state.
- 40 (j) "Indian tribe" or "tribe" means any Indian tribe, band, nation or
41 other organized group or community of Indians recognized as eligible for
42 the services provided to Indians by the secretary of the interior because of
43 their status as Indians, including any Alaska native village, as defined in

1 43 U.S.C. § 1602(c).

2 Sec. 4. K.S.A. 25-1122d and K.S.A. 2022 Supp. 25-2908 are hereby
3 repealed.

4 Sec. 5. This act shall take effect and be in force from and after its
5 publication in the statute book.