

**Senate Committee on Ethics, Elections and Local Government**

**Testimony on SB 37**

Tabitha Lehman, Sedgwick County Election Commissioner

February 7, 2017

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 37. Today I am presenting you with information collected by our office since the proof of citizenship requirement went into effect on January 1, 2013.

This information has come to our office in multiple ways, via phone, mail or in person. Most of this list was discovered because the individual is now a US citizen and when processing their new registration application and proof of citizenship document, it was discovered they were already in the voter registration database. I have attached a spreadsheet to this testimony that outlines each of the "cases" I am presenting to you.

During the last three years our office has been made aware of thirty two individuals who were not US citizens at the time of completing their registration application. Fourteen non-citizens successfully registered to vote prior to the proof of citizenship requirements, of those fourteen, five voted.

According to our records, here are the elections and the number of in-eligible ballots cast:

GN2004: 2

CG2005: 1

SP2007: 2

GN2008: 2

CP2009: 1

GN2010: 1

SPCW12: 1

In August of 2012 one in-eligible signature was accepted on a petition.

GN2012: 1

GN2014: 1

You will note by looking at this spreadsheet that in one case, it took almost twelve years for our office to discover that this registrant was not a citizen.

Another fifteen applicants submitted a voter registration application but were prevented from completing the process by the proof of citizenship requirement. The last three are registered

voters due to a preliminary injunction but were not citizens at the time they completed their original registration application.

This list is updated as new cases come to light, a new one was added just last Friday. Without having the ability to check our entire database, I have no way knowing how many more registrants may not be citizens.

Thank you for your time, I am happy to answer any questions.

**SEDGWICK COUNTY, KANSAS, ALIENS WHO REGISTERED PRIOR TO 1/1/2013 OR  
WERE SUCCESSFULLY PREVENTED FROM REGISTERING AFTER 1/1/2013**

(Amended February 2017)

Date original registration application submitted	Reg ID	Source of Registration	Current Citizenship Status	Date of Naturalization	Voted	Note
<b>ALIENS WHO SUCCESSFULLY REGISTERED</b>						
4/16/2003	4296515	DMV paper address change	Citizen	2/27/2015	No	Was registered for nearly 12 years prior to being a citizen. Was sent ballot for 4 elections but never voted. Sedgwick County Election Office discovered the fact that non-citizen had been registered when the individual re-applied at naturalization ceremony in Sedgwick County Kansas.
9/14/2004	1463509	Paper	Citizen	01/25/2016	Yes	Voted 3 times, GN2004, SP2007, GN2010. Voter called the Sedgwick County Election Office to request cancellation of registration and copies of registration documents upon request of immigration service officer during citizenship interview. She canceled her registration and then re-registered after being sworn in as a citizen.
10/12/2004	1447321	By Mail - Paper	Non-citizen	NA	Yes	Voted 4 times, GN2004, CG2005, SP2007, GN2008. Voter called Sedgwick County Election office because while applying to become a citizen of the United States she realized she had voted and was registered to vote here in Sedgwick County. She was requesting her voting history (she has voted 4 times) and a voter ID card along with a cancellation form. Her statement was that she "was a permanent resident of the U.S. and did not know she wasn't allowed to vote until after 2008 when one of her friends told her she couldn't, she then stopped voting."
10/07/2006	5053234	Voter Registration Drive	Citizen	9/11/2015	No	Was registered for over 8 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
10/15/2006	5055911	Voter Registration Drive - Paper	Citizen	1/16/2015	No	Was registered for over 8 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.



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<b>10/19/2006</b>	5063593	Mandated Public assistance - Paper	Citizen	3/28/2014	No	Was registered for over 7 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
<b>10/2008</b>	5231573	Voter Registration Drive-Paper	Non-citizen	N/A	Yes	Was registered for over 8 years. Voted 1 time, GN2008 and signed a petition for water fluoridation in August 2012. Sedgwick County Election Office received a call from applicant, stating that the applicant was applying to become a naturalized citizen. Applicant requested printouts of voter registration card, form to cancel registration, and a copy of Applicant's activity in order to complete naturalization application.
<b>10/07/2008</b>	5217728	Motor Vehicle Office-In Person	Citizen	4/8/2016	No	Was registered for over 6 years as a non-citizen. Registrant was cancelled through the NVRA process in January 2015 because registrant moved out of Kansas. Sedgwick County Election Office discovered the fact that non-citizen had been registered when the individual re-applied at naturalization ceremony in Sedgwick County Kansas.
<b>12/22/2008</b>	5291075	Motor Vehicle Office-In Person	Citizen	12/11/2015	No	Was registered for over 6 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
<b>1/26/2009</b>	5296846	Motor Vehicle Office-In Person	Citizen	4/8/2016	Yes	Registered as a noncitizen in January 2009 and voted in the City/School primary election of 2009. Applicant was cancelled in 2009 with the following note, "According to SOS office, not US citizen." The registrant's alien status was discovered through SOS comparison of temporary driver's license list with voter rolls. The applicant was prosecuted and entered into a plea agreement with the DA. This history came to light when the individual applied to register at April 2016 naturalization ceremony.
<b>8/25/2010</b>	5399277	Motor Vehicle Office-In Person	Citizen	5/27/2016	No	Was registered for over 5 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
<b>8/30/2010</b>	5401038	Motor Vehicle Office - In Person	Citizen	7/17/2015	No	Was registered for almost 5 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.



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6/5/2010	5381681	Motor Vehicle Office – In Person	Citizen	10/2/2015	No	Was registered for over 5 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
12/27/2011	5484847	Motor Vehicle Office-In Person	Citizen	2/3/2017	Yes	Was registered for over 6 years before becoming a citizen. Voted 3 times. SPCW2012, GN2012, GN2014. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony. Presented Valid Photo ID to election worker.
<b>ALIENS WHO ATTEMPTED TO REGISTER</b>						
2/13/2013	5613774	DMV Online - Electronic	Non-citizen	NA	No	Sedgwick County Election Office contacted applicant via phone on 06/27/2013. He admitted that he was not a citizen.
8/20/2013	5637865	Motor Vehicle Office – In Person	Citizen	9/27/2013	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizen at naturalization ceremony.
1/24/2014	5657157	Motor Vehicle Office – In Person	Non-citizen	NA	No	Applicant returned Proof of Citizenship notice with note saying that the applicant was not a citizen.
2/20/2014	5660352	Federal Form	Non-citizen	NA	No	Applicant attempted to register even though she was a noncitizen. Applicant signed affirmation of United States citizenship but failed to check boxes on the form. Sedgwick County Election Office called the applicant, and the applicant stated that she was not a United States citizen.
2/21/2014	5660218	Motor Vehicle Office – In Person	Non-citizen	NA	No	Applicant called Sedgwick County Election office in response to second notice requesting proof of citizenship to report that he is not a citizen. 04/21/2014.
3/4/2014	5662650	Motor Vehicle Office – In Person	Citizen	9/14/2014	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
4/23/2014	5668920	Motor Vehicle Office – In Person	Non-citizen	NA	No	Applicant's niece called Sedgwick County Election office to report applicant is not a citizen, in response to notice requesting proof of citizenship. Sedgwick County Election office mailed a cancellation form, but hasn't received it back. Due to the notification not being from the applicant, this file was left pending as "incomplete." Has since been cancelled per K.A.R. 7-23-15.



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<b>8/6/2014</b>	5685971	Motor Vehicle Offices – In Person	Citizen	1/1/6/2015	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizen at naturalization ceremony.
<b>3/10/2015</b>	5721438	Motor Vehicle Office - In Person	Citizen	12/11/2015	No	Applicant attempted to register prior to becoming a citizen. Application was cancelled per K.A.R. 7-23-15. Sedgwick County Election Office discovered this fact when registering new citizen at naturalization ceremony.
<b>4/14/2015</b>	5733764	Mandated Public Assistance Agency	Citizen	9/18/2015	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election office discovered this when registering new citizens at naturalization ceremony.
<b>6/12/2015</b>	5735793	Motor Vehicle Office – In Person	Citizen	11/13/2015	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
<b>9/23/2015</b>	5642186	Motor Vehicle Office - In Person	Non-citizen	NA	No	Applicant came into the Sedgwick County Election Office on 10/2/2015 to provide proof of citizenship, in response to proof of citizenship notice. Applicant provided a “Residential Alien” card. Sedgwick County Election Office asked if applicant was a U.S. Citizen. Applicant said No.
<b>10/22/2015</b>	5767727	Motor Vehicle Office – In Person	Citizen	3/25/2016	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election office discovered this when registering new citizens at naturalization ceremony.
<b>1/20/2016</b>	5772434	Motor Vehicle Office-In Person	Non-citizen	NA	No	Applicant non-citizen applied to register on 1/20/2016. Applicant subsequently went to Sedgwick County Election Office to report that she is not a citizen after receiving a second notice from Election Office requesting proof of citizenship. Applicant claimed that her voter registration application was a mistake on the part of the DMV. Applicant proceeded to fill out cancellation request form. Applicant’s registration application has been cancelled, and notes have been left in file.
<b>2/12/2016</b>	5780239	Motor Vehicle Office-In Person	Non-citizen	NA	No	Applicant non-citizen applied to register on 2/12/2016. Applicant’s sister called the Sedgwick County Election Office to report that Applicant is not a citizen. Applicant completed a Voter Registration Cancellation form on 4/29/2016.



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**ALIENS SUCCESSFULLY PREVENTED WHEN LAW WAS IN EFFECT SUBSEQUENTLY REGISTERED PURSUANT TO PRELIMINARY INJUNCTION**

8/20/2014	5686565	Motor Vehicle Office-In Person	Citizen	7/15/2016	No	Applicant attempted to register prior to becoming a citizen. Applicant was placed in suspense and was subsequently cancelled in compliance with KAR 7-23-15. In compliance with Preliminary Injunction, Applicant was placed back in Suspense/DMV Office-Federal Election Only on June 18, 2016. It was subsequently determined after naturalization ceremony that applicant was not yet a citizen when applicant registered. Applicant's registration completed pursuant to KSA 25-2309(r).
7/23/2015	5742082	Motor Vehicle Office- In Person	Citizen	8/19/2016	No	Applicant attempted to register prior to becoming a citizen. Applicant was placed in suspense and was subsequently cancelled in compliance with KAR 7-23-15. In compliance with Preliminary Injunction, Applicant was placed back in Suspense/DMV Office-Federal Election Only on June 18, 2016. It was subsequently determined after naturalization ceremony that applicant was not yet a citizen when applicant registered. Applicant's registration completed pursuant to KSA 25-2309(r).
1/28/2016	5773505	Motor Vehicle Office-In Person	Citizen	8/19/2016	No	Applicant attempted to register prior to becoming a citizen. Applicant was placed in suspense and was subsequently cancelled in compliance with KAR 7-23-15. In compliance with Preliminary Injunction, Applicant was placed back in Suspense/DMV Office-Federal Election Only on June 18, 2016. It was subsequently determined after naturalization ceremony that applicant was not yet a citizen when applicant registered. Applicant's registration completed pursuant to KSA 25-2309(r).