

**SENATE BILL No. 43**

By Senators Pettey, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Skubal, Sykes and Ware

1-24

1 AN ACT concerning elections; relating to voter registration; allowing  
2 voter registration on election days; amending K.S.A. 2018 Supp. 25-  
3 2311, 25-2316c and 25-3602 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 25-2311 is hereby amended to read as  
7 follows: 25-2311. (a) County election officers shall provide for the  
8 registration of voters at one or more places on all days except the  
9 following:

10 (1) Days when the main offices of the county government are closed  
11 for business, except as is otherwise provided by any county election officer  
12 under the provisions of K.S.A. 25-2312, and amendments thereto; *and*

13 (2) days when the main offices of the city government are closed for  
14 business, in the case of deputy county election officers who are city clerks  
15 except as is otherwise provided by any county election officer under the  
16 provisions of K.S.A. 25-2312, and amendments thereto;

17 ~~(3) the 20 days preceding the day of primary and general elections;~~

18 ~~(4) the 20 days preceding the day of any election other than one~~  
19 ~~specified in this subsection; and~~

20 ~~(5) the day of any question submitted election.~~

21 ~~(b) For the purposes of this section in counting days that registration~~  
22 ~~books are to be closed, all of the days including Sunday and legal holidays~~  
23 ~~shall be counted.~~

24 ~~(c) The secretary of state shall notify every county election officer of~~  
25 ~~the dates when registration shall be closed preceding primary and general~~  
26 ~~elections. The days so specified by the secretary of state shall be~~  
27 ~~conclusive. Such notice shall be given by the secretary of state by mail at~~  
28 ~~least 60 days preceding every primary and general election.~~

29 ~~(d)-(b) The last days before closing of registration books as directed~~  
30 ~~by the secretary of state under subsection (c) the state primary and general~~  
31 ~~elections, county election officers shall provide for registration of voters~~  
32 ~~during regular business hours, during the noon hours and at other than~~  
33 ~~regular business hours upon such days as the county election officers deem~~  
34 ~~necessary. The last three business days before closing of registration books~~  
35 ~~prior to primary and general elections, county election officers may~~

1 provide for registration of voters until 9 p.m. in any city.

2 ~~(c)~~ County election officers shall provide for the registration of  
 3 voters appearing at the county election office who apply for advance  
 4 voting ballots to be transmitted in person. Such persons shall be permitted  
 5 to register and vote immediately by regular ballots, and shall not use  
 6 provisional ballots unless otherwise required by law. At any satellite  
 7 advance voting sites, and at all polling places on the day of any primary  
 8 or general election or question submitted election, county election officers  
 9 shall provide for registration of voters pursuant to K.S.A. 25-2316c, and  
 10 amendments thereto, throughout voting hours.

11 (d) County election officers shall accept and process applications  
 12 received by voter registration agencies and the division of motor vehicles  
 13 not later than the 21<sup>st</sup> day preceding the date of any election; mailed voter  
 14 registration applications that are postmarked not later than the 21<sup>st</sup> day  
 15 preceding the date of any election; or, if the postmark is illegible or  
 16 missing, is received in the mail not later than the ninth day preceding the  
 17 day of any election.

18 ~~(e)~~ The secretary of state may adopt rules and regulations  
 19 interpreting the provisions of this section and specifying the days when  
 20 registration shall be open, days when registration shall be closed, and days  
 21 when it is optional with the county election officer for registration to be  
 22 open or closed.

23 ~~(f)~~ Before each primary and general election held in even-  
 24 numbered and odd-numbered years, and at times and in a form prescribed  
 25 by the secretary of state, each county election officer shall certify to the  
 26 secretary of state the number of registered voters in each precinct of the  
 27 county as shown by the registration books in the office of such county  
 28 election officer.

29 Sec. 2. K.S.A. 2018 Supp. 25-2316c is hereby amended to read as  
 30 follows: 25-2316c. (a) When a registered voter changes name by marriage,  
 31 divorce or legal proceeding, if ~~such~~ the voter is otherwise qualified to vote  
 32 at such voting place ~~such~~, the voter shall be allowed to vote a provisional  
 33 ballot at any election, or apply for an advance voting ballot, on the  
 34 condition that such voter first completes the application for registration  
 35 prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the  
 36 application shall authorize the county election officer to update the  
 37 registration records, if appropriate, for voting in future elections. The  
 38 county election officer shall send, by nonforwardable mail, a notice of  
 39 disposition to any voter completing ~~such~~ the application.

40 (b) When a registered voter changes residence, ~~such~~ the voter shall  
 41 reregister in order to be eligible to vote, except that when a registrant has  
 42 moved from an address on the registration book to another address within  
 43 the county and has not reregistered, ~~such~~ the registrant shall be allowed to

1 vote a provisional ballot at any election, or to apply for an advance voting  
2 ballot, on the condition that ~~such~~ *the* registrant first completes the  
3 application for registration prescribed by K.S.A. 25-2309, and  
4 amendments thereto. Completion of the application shall authorize the  
5 county election officer to update the registration record, if appropriate, for  
6 voting in future elections. The county election officer shall send, by  
7 nonforwardable mail, a notice of disposition to any such voter. Whenever  
8 the county election officer receives from any other election officer a notice  
9 of registration of a voter in a different place than that shown in the records  
10 of the county election officer, ~~such~~ *the* officer shall remove the name of  
11 such voter from the registration book and party affiliation list.

12 (c) (1) *Any person who appears either on the election day at the*  
13 *polling place for the precinct in which the person resides or at a satellite*  
14 *advance voting site during the advance voting period, and who is not*  
15 *registered but is otherwise qualified to vote at the voting place, shall be*  
16 *allowed to register and vote a provisional ballot on election day at the*  
17 *precinct polling place where the person resides or at the satellite advance*  
18 *voting site during the advance voting period. Any such provisional ballot*  
19 *shall be counted, unless the county board of canvassers determines that*  
20 *the provisional ballot was not properly cast or that the person has*  
21 *otherwise voted at the election.*

22 (2) *In order to vote at the election, the person shall register by*  
23 *completing a registration card, making an oath on the form prescribed by*  
24 *the secretary of state and providing proof of residence in accordance with*  
25 *rules and regulations adopted by the secretary of state. If the person is*  
26 *required by K.S.A. 25-2309, and amendments thereto, to provide proof of*  
27 *United States citizenship in order to register to vote, the person may do so*  
28 *either by presenting a valid or expired United States passport or by*  
29 *including with the provisional ballot a photocopy of any document listed*  
30 *in K.S.A. 25-2309(1), and amendments thereto. The form prescribed*  
31 *pursuant to this subsection shall include space for a member of the*  
32 *election board or the county election officer to indicate, if applicable, that*  
33 *the person presented a valid or expired United States passport or has*  
34 *included a citizenship document photocopy with the person's provisional*  
35 *ballot. No person shall be asked or required to show a photocopy of a*  
36 *proof of citizenship document to anyone at a polling place or satellite*  
37 *advance voting site.*

38 (3) *If the person chooses to include a photocopy of a document*  
39 *proving United States citizenship with the person's provisional ballot, the*  
40 *person shall be provided a citizenship document envelope in which to*  
41 *place the photocopy. The citizenship document envelope shall be sealed*  
42 *and attached to the provisional ballot envelope in such a way that the*  
43 *citizenship document envelope can be opened without unsealing the*

1 envelope containing the ballot. The secretary of state may adopt rules and  
2 regulations regarding the form of this citizenship document envelope,  
3 including information to be printed and written on it and the manner in  
4 which it shall be attached to the provisional ballot envelope. The rules and  
5 regulations shall safeguard the privacy of the citizenship document  
6 photocopy as well as the privacy of the ballot.

7 (4) If a person is required by K.S.A. 25-2309, and amendments  
8 thereto, to provide proof of citizenship but is unable or unwilling to do so  
9 at the polling place or satellite advance voting site as permitted by this  
10 section, the person may vote a provisional ballot. The person shall provide  
11 a document listed in K.S.A. 25-2309(l), and amendments thereto, to the  
12 county election officer in person, or provide a copy of such a document by  
13 mail or electronic means before the meeting of the board of canvassers.  
14 The person shall be provided written information containing the physical  
15 location and business hours of the office at which the person may provide  
16 a document in person, the mailing address to which the person may mail a  
17 copy of such document, and the electronic address, website or other means  
18 by which the person may submit a copy of such document, as well as the  
19 deadline before which, by statute, such proof of citizenship must be  
20 provided.

21 (5) A person's registration and provisional ballot shall not be  
22 rejected for reasons relating to proof of citizenship, unless the county  
23 election official determines that:

24 (A) The person is required by K.S.A. 25-2309, and amendments  
25 thereto, to provide proof of citizenship;

26 (B) the person did not present a valid or expired United States  
27 passport at the polling place or satellite advance voting site;

28 (C) the person did not include a copy of a document listed in K.S.A.  
29 25-2309(l), and amendments thereto, with the person's provisional ballot;

30 (D) the person has not provided a copy of a document listed in K.S.A.  
31 25-2309(l), and amendments thereto, in person, by mail or electronic  
32 means before the meeting of the county board of canvassers; and

33 (E) the person is not exempt by reason of previous registration to vote  
34 within the state of Kansas.

35 (6) The registration card shall authorize the county election officer to  
36 register the person, and the county election officer shall send, by non-  
37 forwardable first class mail, a certificate of registration to the person.

38 (d) Every application for registration completed under this section  
39 shall be returned to the county election officer with the registration books.

40 ~~(d)-(e)~~ (e) A registrant shall not be removed from the registration list on  
41 the ground that the registrant has changed residence unless the registrant:

42 (1) Confirms in writing that the registrant has moved outside the  
43 county in which the registrant is registered, or registers to vote in any other

1 jurisdiction; or

2 (2) has failed to respond to the notice described in subsection ~~(e)~~(4)  
3 ~~(f)~~(4) and has not appeared to vote in an election during the period  
4 beginning on the date of the notice and ending on the day after the date of  
5 the second federal general election that occurs after the date of the notice.

6 ~~(e)~~(f) A county election officer shall send a confirmation notice upon  
7 which a registrant may state such registrant's current address, within 45  
8 days of the following events:

9 (1) A notice of disposition of an application for voter registration is  
10 returned as undeliverable;

11 (2) change of address information supplied by the national change of  
12 address program identifies a registrant whose address may have changed;

13 (3) if it appears from information provided by the postal service that a  
14 registrant has moved to a different residence address in the county in  
15 which the registrant is currently registered; or

16 (4) if it appears from information provided by the postal service that a  
17 registrant has moved to a different residence address outside the county in  
18 which the registrant is currently registered.

19 The confirmation notice shall be sent by forwardable mail and shall  
20 include a postage prepaid and preaddressed return card in a form  
21 prescribed by the chief state election official.

22 ~~(f)~~(g) Except as otherwise provided by law, when a voter dies or is  
23 disqualified for voting, the registration of the voter shall be void, and the  
24 county election officer shall remove such voter's name from the  
25 registration books and the party affiliation lists. Whenever:

26 (1) An obituary notice appears in a newspaper having general  
27 circulation in the county reports the death of a registered voter; ~~or;~~

28 (2) a registered voter requests in writing that such voter's name be  
29 removed from registration; ~~or;~~

30 (3) a court of competent jurisdiction orders removal of the name of a  
31 registered voter from registration lists; or

32 (4) the name of a registered voter appears on a list of deceased  
33 residents compiled by the secretary of health and environment as provided  
34 in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a  
35 death certificate provided by the secretary of health and environment, or  
36 appears in information provided by the social security administration, the  
37 county election officer shall remove from the registration books and the  
38 party affiliation lists in ~~such~~ the officer's office the name of any person  
39 shown by ~~such~~ the list or death certificate to be deceased.

40 The county election officer shall not use or permit the use of ~~such~~ the  
41 lists of deceased residents or copies for any other purpose than provided in  
42 this section.

43 ~~(g)~~(h) When the chief state election official receives written notice of

1 a felony conviction in a United States district court, such official shall  
2 notify within five days the county election officer of the jurisdiction in  
3 which the offender resides. Upon notification of a felony conviction from  
4 the chief state election official, or from a county or district attorney or a  
5 Kansas district court, the county election officer shall remove the name of  
6 the offender from the registration records.

7 ~~(h)~~(i) Except as otherwise provided in this section, no person whose  
8 name has been removed from the registration books shall be entitled to  
9 vote until ~~such~~ *the* person has registered again.

10 Sec. 3. K.S.A. 2018 Supp. 25-3602 is hereby amended to read as  
11 follows: 25-3602. (a) Each petition shall consist of one or more documents  
12 pertaining to a single issue or proposition under one distinctive title. The  
13 documents shall be filed with the county election officer or other official,  
14 if another official is designated in the applicable statutes. The filing shall  
15 be made at one time all in one group. Later or successive filings of  
16 documents relating to the same issue or proposition shall be deemed to be  
17 separate petitions and not a part of any earlier or later filing.

18 (b) Unless otherwise specifically required, each petition shall: (1)  
19 State the question ~~which~~ *that* petitioners seek to bring to an election in the  
20 form of a question as it should appear upon the ballot in accordance with  
21 the requirements of K.S.A. 25-620 and ~~K.S.A.~~ 25-3601, and amendments  
22 thereto;

23 (2) name the taxing subdivision or other political subdivision in  
24 which an election is sought to be held;

25 (3) contain the following recital above the spaces provided for  
26 signatures: "I have personally signed this petition. I am a registered elector  
27 of the state of Kansas and of

28  
29 \_\_\_\_\_  
30 (here insert name of political or taxing subdivision)

31 and my residence address is correctly written after my name."

32 The recital shall be followed by blank spaces for the signature,  
33 residence address and date of signing for each person signing the petition.

34 When petitioners are required by law to possess qualifications in  
35 addition to being registered electors, the form of the petition shall be  
36 amended to contain a recital specifying the additional qualifications  
37 required and stating that the petitioners possess the qualifications; and

38 (4) contain a recital in substance as follows, at the end of each set of  
39 documents carried by each petition circulator as defined in K.S.A. ~~2016~~  
40 2018 Supp. 25-3608, and amendments thereto: "I am the circulator of this  
41 petition and I am qualified to circulate this petition and I personally  
42 witnessed the signing of the petition by each person whose name appears  
43 thereon.

1 (Signature of circulator)

2

3 \_\_\_\_\_  
(Circulator's residence address)"

4

5 The recital of the circulator of each petition shall be verified upon oath  
6 or affirmation before a notarial officer in the manner prescribed by K.S.A.  
7 53-501 et seq., and amendments thereto.

8

9 (c) Any person who has signed a petition who desires to withdraw  
10 ~~such~~ *the* person's name may do so by giving written notice to the county  
11 election officer or other designated official not later than the third day  
12 following the date upon which the petition is filed.

13

14 (d) Any petition shall be null and void unless submitted to the county  
15 election officer or other designated official within 180 days of the date of  
16 the first signature on the petition.

17

18 (e) Unless the governing body of the political or taxing subdivision in  
19 which the election is sought to be held authorizes a special election, all  
20 elections ~~which~~ *that* are called as a result of the filing of a sufficient  
21 petition shall be held at the next succeeding primary or general election as  
22 defined by K.S.A. 25-2502, and amendments thereto, in which the political  
23 or taxing subdivision is participating.

24

25 (f) When a petition requires signatures equal in number to a  
26 percentage of the total number of registered voters, such percentage shall  
27 be based on the most recent number of registered voters as certified to the  
28 office of the secretary of state pursuant to ~~subsection (g)~~ of K.S.A. 25-  
29 2311 *(f)*, and amendments thereto.

30

31 Sec. 4. K.S.A. 2018 Supp. 25-2311, 25-2316c and 25-3602 are hereby

32

33 repealed.

34

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

37