

SENATE BILL No. 197

By Senators Pittman, Corson and Holscher

2-7

1 AN ACT concerning elections; relating to voter registration; allowing
2 voters to register on election day; amending K.S.A. 25-2311 and 25-
3 3602 and K.S.A. 2022 Supp. 25-2316c and repealing the existing
4 sections.

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

7 Section 1. K.S.A. 25-2311 is hereby amended to read as follows: 25-
8 2311. (a) County election officers shall provide for the registration of
9 voters at one or more places on all days except the 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 primary or general election or any question-~~
21 ~~submitted election.~~

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

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

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

1 voters until 9 p.m. in any city.

2 ~~(e)(c) County election officers shall accept and process applications~~
3 ~~received by voter registration agencies and the division of motor vehicles~~
4 ~~not later than the 21st day preceding the date of any election; mailed voter~~
5 ~~registration applications that are postmarked not later than the 21st day~~
6 ~~preceding the date of any election; or, if the postmark is illegible or~~
7 ~~missing, is received in the mail not later than the ninth day preceding the~~
8 ~~day of any election~~*County election officers shall provide for the*
9 *registration of voters appearing at the county election office who apply for*
10 *advance voting ballots to be transmitted in person. Such persons shall be*
11 *permitted to register and vote immediately by regular ballots and shall not*
12 *use provisional ballots unless otherwise required by law. At any satellite*
13 *advance voting sites, and at all polling places on the day of any primary*
14 *or general election or question submitted election, county election officers*
15 *shall provide for registration of voters pursuant to K.S.A. 25-2316c, and*
16 *amendments thereto, during voting hours.*

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

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

28 Sec. 2. K.S.A. 2022 Supp. 25-2316c is hereby amended to read as
29 follows: 25-2316c. (a) When a registered voter changes name by marriage,
30 divorce or legal proceeding, if the voter is otherwise qualified to vote at
31 such voting place the voter shall be allowed to vote a provisional ballot at
32 any election, or apply for an advance voting ballot, on the condition that
33 the voter first completes the application for registration prescribed by
34 K.S.A. 25-2309, and amendments thereto. Completion of the application
35 shall authorize the county election officer to update the registration
36 records, if appropriate, for voting in future elections. The county election
37 officer shall send, by nonforwardable mail, a notice of disposition to any
38 voter completing such application.

39 (b) When a registered voter changes residence, the voter shall
40 reregister in order to be eligible to vote, except that when a registrant has
41 moved from an address on the registration book to another address within
42 the county and has not reregistered, the registrant shall be allowed to vote
43 a provisional ballot at any election, or to apply for an advance voting

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

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

19 (2) *In order to vote at an election pursuant to paragraph (1), the*
20 *person shall register by completing a registration card, making an oath on*
21 *the form prescribed by the secretary of state and providing proof of*
22 *residence in accordance with rules and regulations adopted by the*
23 *secretary of state. The registration card shall authorize the county election*
24 *officer to register the person. The county election officer shall send, by*
25 *nonforwardable first-class mail, a certificate of registration to the person.*

26 (3) *If the person is required to provide proof of United States*
27 *citizenship in order to register to vote under K.S.A. 25-2309, and*
28 *amendments thereto, such person may do so either by presenting a valid*
29 *or expired United States passport or by including with the provisional*
30 *ballot a photocopy of any document listed in K.S.A. 25-2309(l), and*
31 *amendments thereto. The form prescribed pursuant to this subsection shall*
32 *include space for a member of the election board or the county election*
33 *officer to indicate, if applicable, that the person presented a valid or*
34 *expired United States passport or has included a citizenship document*
35 *photocopy with the person's provisional ballot. No person shall be asked*
36 *or required to provide a photocopy of a proof of citizenship document to*
37 *anyone at a polling place or satellite advance voting site. If a person*
38 *chooses to include a photocopy of a document proving United States*
39 *citizenship with such person's provisional ballot, such person shall be*
40 *provided a citizenship document envelope in which to place the photocopy.*
41 *The citizenship document envelope shall be sealed and attached to the*
42 *provisional ballot envelope in such a way that the citizenship document*
43 *envelope can be opened without unsealing the envelope containing the*

1 ballot.

2 (4) If a person is required to provide proof of citizenship under K.S.A.
3 25-2309, and amendments thereto, but is unable or unwilling to do so at
4 the polling place or satellite advance voting site as permitted by this
5 section, such person may vote a provisional ballot. The person shall
6 provide a document listed in K.S.A. 25-2309(l), and amendments thereto,
7 to the county election officer in person or provide a copy of such a
8 document by mail or electronic means before the meeting of the board of
9 canvassers. The person shall be provided written information containing
10 the:

11 (A) Physical location and business hours of the office at which the
12 person may provide such document in person;

13 (B) mailing address to which the person may mail a copy of such
14 document;

15 (C) electronic address, website or other means by which the person
16 may submit a copy of such document electronically; and

17 (D) statutory deadline before which such proof of citizenship must be
18 provided.

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

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

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

26 (C) the person did not include a copy of a document listed in K.S.A.
27 25-2309(l), and amendments thereto, with the person's provisional ballot;

28 (D) the person has not provided a copy of a document listed in K.S.A.
29 25-2309(l), and amendments thereto, in person, by mail or by electronic
30 means before the meeting of the county board of canvassers; and

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

33 (6) The secretary of state shall adopt rules and regulations regarding
34 the form of citizenship document envelopes, including the information to
35 be printed and written on such envelope and the manner in which it shall
36 be attached to the provisional ballot envelope. Such rules and regulations
37 shall safeguard the privacy of the citizenship document photocopy as well
38 as the privacy of the ballot.

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

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

43 (1) Confirms in writing that the registrant has moved outside the

1 county in which the registrant is registered, or registers to vote in any other
2 jurisdiction; or

3 (2) (A) (i) has failed to respond to the notice described in subsection
4 ~~(e)(1)~~ *(f)(1)* through ~~(e)(4)~~ *(f)(4)*; or

5 (ii) the notice described in subsection ~~(e)(5)~~ *(f)(5)* is returned as
6 undeliverable; and

7 (B) has not appeared to vote in an election during the period
8 beginning on the date of the notice and ending on the day after the date of
9 the second federal general election that occurs after the date of the notice.

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

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

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

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

20 (4) if it appears from information provided by the postal service that a
21 registrant has moved to a different residence address outside the county in
22 which the registrant is currently registered; or

23 (5) if the registrant has no election-related activity for any four-
24 calendar year period. No election-related activity means that the elector
25 has not voted, attempted to vote, requested or submitted an advance ballot
26 application, filed an updated voter registration card, signed a petition,
27 which is required by law to be verified by the county election officer or the
28 secretary of state, or responded to any official election mailing transmitted
29 by the county election office.

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

33 ~~(f)(g)~~ (1) Except as otherwise provided by law, when a voter dies or is
34 disqualified for voting, the registration of the voter shall be void, and the
35 county election officer shall remove such voter's name from the
36 registration books and the party affiliation lists. ~~Whenever~~

37 (2) *If any of the following occurs, the county election officer shall*
38 *remove the name of such voter from the registration books and the party*
39 *affiliation lists in such officer's office:*

40 ~~(f)(A)~~ An obituary notice appears in a newspaper having general
41 circulation in the county reports the death of a registered voter; ~~or;~~

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

1 ~~(3)(C)~~ a court of competent jurisdiction orders removal of the name
2 of a registered voter from registration lists; or

3 ~~(4)(D)~~ the name of a registered voter appears on a list of deceased
4 residents compiled by the secretary of health and environment as provided
5 in K.S.A. ~~65-2422~~ 65-2422d, and amendments thereto, ~~or~~ appears on a
6 copy of a death certificate provided by the secretary of health and
7 environment; or appears in information provided by the social security
8 administration; ~~the county election officer shall remove from the~~
9 ~~registration books and the party affiliation lists in such officer's office the~~
10 ~~name of any person shown by such list or death certificate to be deceased.~~

11 (3) The county election officer shall not use or permit the use of such
12 lists of deceased residents or copies for any other purpose than provided in
13 this section.

14 ~~(g)(h)~~ When the chief state election official receives written notice of
15 a felony conviction in a United States district court, such official shall
16 notify within five days the county election officer of the jurisdiction in
17 which the offender resides. Upon notification of a felony conviction from
18 the chief state election official, or from a county or district attorney or a
19 Kansas district court, the county election officer shall remove the name of
20 the offender from the registration records.

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

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

32 (b) Unless otherwise specifically required, each petition shall:

33 (1) State the question ~~which~~ that petitioners seek to bring to an
34 election in the form of a question as it should appear upon the ballot in
35 accordance with the requirements of K.S.A. 25-620 and 25-3601, and
36 amendments thereto;

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

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

42
43 _____
(here insert name of political or taxing subdivision)

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

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

4 When petitioners are required by law to possess qualifications in
5 addition to being registered electors, the form of the petition shall be
6 amended to contain a recital specifying the additional qualifications
7 required and stating that the petitioners possess the qualifications; and

8 (4) contain a recital in substance as follows, at the end of each set of
9 documents carried by each petition circulator as defined in K.S.A. 25-
10 3608, and amendments thereto: "I am the circulator of this petition and I
11 am qualified to circulate this petition and I personally witnessed the
12 signing of the petition by each person whose name appears thereon.

13 _____
14 (Signature of circulator)

15 _____"
16 (Circulator's residence address)

17 The recital of the circulator of each petition shall be verified upon oath
18 or affirmation before a notarial officer in the manner prescribed by the
19 revised uniform law on notarial acts.

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

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

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

33 (f) When a petition requires signatures equal in number to a
34 percentage of the total number of registered voters, such percentage shall
35 be based on the most recent number of registered voters as certified to the
36 office of the secretary of state pursuant to K.S.A. 25-2311~~(g)~~(e), and
37 amendments thereto.

38 Sec. 4. K.S.A. 25-2311 and 25-3602 and K.S.A. 2022 Supp. 25-2316c
39 are hereby repealed.

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