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STATE OF KANSAS

Presentation to the House Committee on Elections SAFE Act Implementation Update

Secretary of State Kris W. Kobach

January 23, 2012

County election officer task force

Secretary of State asked for volunteers at KCCEOA statewide conference May 5.
Eighteen CEOs and deputies volunteered.

Met three times for five hours each day—June 28, August 3, September 7.

Also, an envelope design session was held July 14.

Task force helped develop policies and regulations, design and revise forms.

Phase 1 and Phase 2

Implementation of the SAFE Act falls into two phases:

Phase 1—Photo ID when voting and security of mailed advance ballots.

Phase 2—Proof of citizenship when registering to vote for the first time.

Forms

Working with the task force, the Secretary of State's office developed five new forms and revised four existing forms.

Two additional new forms were developed by the Department of Health and Environment and the Department of Revenue's Division of Motor Vehicles.

Several brochures and polling place posters also were revised.

Administrative regulations

Secretary of State proposed six regulations implementing SAFE.

Also proposed one regulation dealing with military and overseas voting.

One revised regulation dealing with the voter registration deadline.

Department of Administration approved the regulations November 15, 2011.

Attorney General approved the regulations November 18, 2011.

Secretary of State Kobach testified before the Joint Committee on Administrative Rules and Regulations on January 3, 2012.

Public hearing will be held on January 24, 2012.

Voter education campaign

The Secretary of State contracted with Whitworth and Ballou to implement a voter education program, including television, cable television, radio, newspaper advertisements, printed materials and web site notices.

The education program is timed to run in localities with special elections and spring elections. Most of the emphasis will be in the weeks before the August primary and the November general election.

Training programs

The Secretary of State is developing training materials for county election officers and poll workers incorporating the new voting rules in SAFE.

Presentations were made in September and November, 2011, at statewide conferences.

Presentations will be made a spring regional county clerk meetings and at the spring conference of the Kansas County Clerks and Election Officials Association.

Early elections

January 10, 2012	Special election in Cimarron, Gray County
February 14, 2012	Special election in Roeland Park, Johnson County
February 14, 2012	Special election in Bucklin, Ford County
February 28, 2012	Primary elections for city council and mayor in some cities
February 28, 2012	Special election in Wichita, Sedgwick County
February 28, 2012	Special election in Basehor, Leavenworth County
April 3, 2012	General election for city council and mayor in some cities

2012 legislation

Secretary of State proposes legislation to move the effective date of the requirement to provide proof of U.S. citizenship when registering to vote to June 15, 2012.

SAFE Act
Forms, Envelopes, Brochures, Posters
November 14, 2011

Phase 1 Photo ID, Mailed Advance Ballot Security

Advance Voting

Form AV1M—Application for advance ballot by mail
Form AV1P—Application for advance ballot in Person
Form AV1C—Combined advance ballot application
Form AV2—Application for permanent advance voting status (revised)

Photo ID

Form DRO—Declaration of religious objection to photographic identification
Form AID—Affidavit of person requesting free nondriver's identification card (KDOR)
Form FPC—Request for free photocopy of identification document from agency

Voter Registration

Voter registration application forms (3)—Two in Phase 1, one in Phase 2
(1) 9/7/11, (2) 1/1/12 (3) 1/1/13

Envelopes

Advance ballot return envelope (3)—(1) legal size, (2) 5 X 10, (3) business envelope size
- Statement of voter designating ballot delivery person in writing
- Statement of designated ballot delivery person

Brochures

SAFE informational brochure
Voter ID halfsheet
Voter ID wallet card

Poster

Voter's Rights & Responsibilities (revised)

Phase 2 Citizenship Verification

Voter registration application form (1/1/13 or before, if law changes)
Form CDU—Affidavit of person denied registration because citizenship document was
unsatisfactory
Form RCD—Request to state election board for assessment of citizenship documentation
Form RTA—Request for free transmission of birth certificate application
Form ABC—Application for free certified copy of birth certificate
Guide for voter registration drives (1/1/13)

Office of the Kansas Secretary of State

SAFE Act Regulations

January 3, 2012

Revised Regulation

KAR 7-23-4 Publication of notice of places and dates of registration and close of registration
Change voter registration deadline from the 15th day before the election to the 21st day.

Proof of Citizenship Regulation

KAR 7-23-14 Assessing citizenship documents

Consider the applicant's first name, middle name or initial, last name, date of birth, place of birth, and sex. Hyphenated names are allowed if not inconsistent with the name on the voter registration application. If the name is consistent with the name on voter registration application, add the applicant's name to the registration list.

If the name is inconsistent, (1) ask the applicant for another government document confirming the name, or (2) ask the applicant to sign an affidavit, or (3) inform the applicant of his/her right to appeal to the state election board.

If the date of birth on the citizenship document does not match the voter registration application, inform the applicant of his/her right to appeal to the state election board.

If the place of birth is indicated on citizenship document, this may be used in assessing citizenship. If it is not indicated, this shall not result in an unsatisfactory assessment of citizenship.

If the sex on the citizenship document does not match the sex indicated on the voter registration application, (1) ask the applicant for another government document confirming the applicant's sex, or (2) ask the applicant to sign an affidavit, or (3) inform the applicant of his/her right to appeal to the state election board.

Documents submitted as evidence of citizenship may be expired documents.

If an applicant fails to submit a citizenship document before the voter registration deadline before an election, he/she may mail or deliver it to the CEO by the close of business on the day before the election, or may submit it electronically (fax, email or other electronic means approved by the SOS) before midnight the day before the election.

In such cases, the CEO must (1) accept and process the document, (2) add the applicant's name to the voter registration list, and (3) if practicable, include the name on the poll book. If poll books have been printed, send the name to the election board with instructions to allow the voter to vote a regular ballot. If not practicable, the voter shall be allowed to vote a provisional ballot.

If a voter fails to meet these requirements, the provisional ballot shall not count.

If a voter's registration is canceled and the person re-registers, the person's citizenship document shall be reassessed by the CEO if the CEO has access to the document.

If a registrant was registered before the effective date of the citizenship requirement (January 1, 2013) and his/her registration is canceled, the person must submit a citizenship document when re-registering.

Advance Ballot Applications

KAR 7-36-7 Processing applications for advance ballots by mail

If the information on the ballot application is insufficient, incomplete or illegible, contact the voter before the election, if possible, to obtain a signature, driver's license number or copy of photo ID document.

Information may be collected by any means, including by phone.

If unable to contact the voter, issue a provisional ballot.

Present provisional ballots to canvassing board. If the information is sufficient, count the ballot unless the ballot is invalid for another reason. If the information is insufficient or not provided, do not count the ballot.

UOCAVA ballots in local mail ballot elections

This regulation affects ballot distribution to military and overseas voters who qualify to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act. It clarifies that the distribution deadline applies in local mail ballot elections.

KAR 7-36-8 Transmit ballots to UOCAVA voters 45 days before the date of the election rather than the regular distribution period of between 20 and 10 days before the election. If UOCAVA voters submit applications later than 45 days before the mail ballot election, transmit ballots within two days of receipt of applications.

Photographic Identification Regulations

KAR 7-46-1 Policy on submitting photo IDs after voting

If a voter does not provide photo ID when voting and casts a provisional ballot, the voter may submit ID after the election to ensure that his/her provisional ballot will count.

The ID must be received in the county election office before the time the county canvass begins.

KAR 7-46-2 Guidelines for election board workers to determine validity of photo IDs

Election board workers use the photo ID only to verify the voter's name and image. Address is verified using the poll book.

First, verify that the name on the ID is consistent with the poll book. Allow for abbreviations and nicknames. If consistent, assess the photograph as explained below. If the name is not consistent with the poll book or with the name stated by the voter, issue a provisional ballot.

Second, compare the photograph on the ID to the voter. Take into account possible changes in the voter's appearance due to hair color, glasses, facial hair, cosmetics, weight, age, and injury. If satisfied that the voter is the person depicted in the ID document, issue a regular ballot. If unable to determine whether the voter is the person depicted in the ID document due to degradation or poor photo quality, issue a regular ballot if one of the following conditions is met: (1) the date of birth on the ID matches the poll book, or (2) the voter submits a second ID document with a photo that appears to be the voter, or (3) one of the election board workers has knowledge that the voter is the person in the photo.

If the election board worker determines that the voter is not the person in the ID, issue a provisional ballot.

If there is a dispute as to whether the voter is the person depicted in the ID, the supervising judge shall decide whether the ballot should be regular or provisional.

Provisional ballots are presented to the canvassing board for determination of validity. The ballots shall count if the voter has provided sufficient photographic identification to the CEO before the start of the canvass, unless one or more ballots are determined to be invalid for other reasons.

The election board worker is not required to issue a regular ballot if he/she suspects that a voter is attempting to circumvent the photo ID requirement.

Nothing in the regulation exempts the voter from providing photo ID.

KAR 7-46-3 Declarations of religious objection

Voters whose religious beliefs prohibit photographic identification may submit declarations in lieu of providing photo ID. Declarations may be submitted to the SOS or CEO before the election, to the CEO when applying for an advance ballot, or to the election board at the time of voting. No declarations of religious objection may be submitted in lieu of a photo ID after voting. Declarations must be submitted each election; filing them does not create a permanent “ID exempt” status.

KAR 7-46-4 Photo ID for permanent advance voters

Voters on the permanent advance voting list before January 1, 2012 are exempt from photo ID. Voters who apply for permanent status after January 1, 2012 must submit photo ID one time. They may submit it when applying for permanent status, at a later time before the next election, or when returning their ballots at the next election.

Summary of Cimarron Special Election

January 23, 2012

The city of Cimarron held a special election on January 10, 2012. The question concerned the imposition of a 1.25% retailer's sales tax for a swimming pool project. This was the first election held in Kansas under the voter identification provisions of the S.A.F.E. Act. Below are relevant statistics concerning the election:

Outcome of the election: YES votes = 355; NO votes = 109

Total number of registered voters = 1,209

Total number of votes cast = 482

Turnout percentage = 39.9%

Total number of advance ballots cast = 57

Total number of provisional ballots issued = 18

Total number of ballots issued due to insufficient identification = 1

(This voter purposely did not provide identification in protest of the voter ID law)