

**Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**Questions Involving Access to the Ballot:**

**1. It is after 7:00 AM (for counties in the Central Time Zone) or 6:00 AM (for counties in the Mountain Time Zone) and the polling place is not open.**

Immediately contact the County Election Officer to report the problem. You can find information on County Election Officers at [http://www.kssos.org/elections/elections\\_registration\\_ceo.asp](http://www.kssos.org/elections/elections_registration_ceo.asp).

If the polling place is open at 7:00 AM (for counties in the Central Time Zone) or at 6:00 AM (for counties in the Mountain Time Zone) but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available.

\*\* (FYI - Different hours for opening and closing of polling places may be set and publicly announced by the County Election Officer pursuant to rules and regulations set by the Secretary of State so long as the polls are open at least 12 continuous hours. For Central Time Zone counties, the polls may not open earlier than 6:00 a.m., close earlier than 7:00 p.m., or close later than 8:00 pm. For Mountain Zone Counties, the polls may not open earlier than 5:00 a.m, close earlier than 6:00 p.m., or close later than 7:00 p.m.

**2. It is 7:00 PM (for counties in the Central Time Zone) or 6:00 PM (for counties in the Mountain Time Zone) and my precinct is closed or closing and they will not let me vote.**

Any voter who is in line to vote at the time the polls close is entitled to receive a ballot.

If this right is being denied, immediately contact the County Election Officer to report the problem. You can find information on County Election Officers at [http://www.kssos.org/elections/elections\\_registration\\_ceo.asp](http://www.kssos.org/elections/elections_registration_ceo.asp).

\*\* (FYI - Please see the note above regarding the possibility of different hours for opening and closing of polling places.)

**3. There are equipment problems at my precinct and I cannot vote. What should I do?**

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

## **Identification and Provisional Ballots:**

### **1. I do not have any identification with me. Can I vote?**

Yes. In Kansas, identification is required only from first-time voters who did not provide satisfactory identification as part of the voter registration process.

If the voter is a first-time voter and is not able to provide identification at the time of voting, the voter may vote by provisional ballot. However, the provisional ballot will only be counted if the voter provides satisfactory identification to the County Election Officer before the start of the county canvass of votes. The county canvass could start as early as 8 AM on the Friday following the election.

If possible, a first-time voter should be encouraged to go and get an ID and NOT cast a provisional ballot. Satisfactory identification includes: a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document, each containing the voter's name and address as indicated on the registration book.

### **2. I am a registered voter who is not on the rolls at my precinct. Can I vote?**

Confirm that (1) the voter is qualified to vote (i.e., 18 years of age before the election, U.S. citizenship, no felony conviction or completion of sentence, parole or probation, no court order of incompetence, and satisfaction of residency requirement) and (2) the voter registered in time to vote in this election. Next, using the online poll locator tool, make sure the voter is at the correct polling place.

If the voter is qualified to vote, registered on time and is in the correct polling place, direct the voter to ask the poll worker to call the County Election Officer for that county (i.e., in Johnson, Sedgwick, Shawnee and Wyandotte Counties, the election commissioner appointed by the Secretary of State, and in all other counties, the County Clerk) and confirm the voter's registration. If the voter still is not on the rolls, let them know that the voter can vote by provisional ballot. This is a LAST resort, as provisional ballots will only be counted if the County Canvassing Board can later verify the voter's registration status before the validation and counting of provisional ballots is completed.

### **3. Poll workers are turning voters away if they don't have photo ID.**

There is no requirement for identification in Kansas, except for first-time voters who did not submit satisfactory identification as part of the registration process.

If identification is being requested of voters who are not first-time voters, alert a Commander immediately to report the problem. An attorney will be dispatched to the polling place. Encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot.

If the voter is a first-time voter, the voter should provide identification or request to vote by provisional ballot.

### **4. I have been offered a provisional ballot. What should I do?**

Provisional ballots are a LAST resort.

A. Before receiving a ballot, the voter completes a new voter registration application form, which is attached to a provisional ballot envelope. The voter must also sign an affirmation under penalty of

perjury that states: “I am a registered voter in this jurisdiction and I am qualified to vote in this election.”

B. The reason for the provisional ballot is written on the envelope, along with the voter’s number in the poll book. Two election board workers must sign the envelope. One of the board workers writes the word “provisional” next to the voter’s name in the poll book.

C. The voter marks a ballot. If electronic voting machines are normally used, the voter is given a paper advance voting ballot unless the electronic voting machine accommodates provisional ballots. The ballot is sealed in the provisional ballot envelope.

D. An election board worker gives the voter information about how to find out after the county canvass whether the provisional ballot counted.

E. The envelope containing the ballot is grouped with other challenged/provisional ballots. These ballots are not counted on Election Day. They are set aside for consideration by the county canvassers.

## **Where to Vote:**

### **1. Where do I vote (for voters who have not moved)?**

You can look up polling locations at [www.vote411.org](http://www.vote411.org).

### **2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?**

[SEE NEXT ITEM BELOW]

### **3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?**

The voter has two options.

If the voter moved during the 30 days before the election, the voter may vote in his former precinct by regular ballot. However, the voter must submit an affidavit in writing, sworn or affirmed before one of the election judges, stating the address or location of former residence, the date of the move, the address or location of such person's new residence, and that such person has not voted at such election.

Without regard to when the voter moved, if the voter moved within the same county, the voter may go to the appropriate polling place for the voter’s new address, or to a central location determined by the county’s election official. (You can find information on County Election Officers at [http://www.kssos.org/elections/elections\\_registration\\_ceo.asp](http://www.kssos.org/elections/elections_registration_ceo.asp).) The voter will be permitted to update the voter’s registration record and vote a provisional ballot.

### **4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?**

The voter has several options, depending on when the voter moved.

If the voter moved during the 30 days before the election, the voter may vote in his former precinct by regular ballot. However, the voter must submit an affidavit in writing, sworn or affirmed before one of the election judges, stating the address or location of former residence, the date of the move, the address or location of such person's new residence, and that such person has not voted at such election.

A voter who desires to vote only in the presidential/vice-presidential contest, and who has moved within 20 days or less before the presidential election, may apply to vote by submitting to the County

Election Officer of his new residence the Secretary of State's Form PR. The application must be submitted between 20 days before and noon the day before the general election. If satisfied that the application is proper, the County Election Officer will deliver the limited ballot no later than the day before the election. The completed limited ballot must be returned to the County Election Officer no later than the close of polls on Election Day.

Without regard to when the voter moved, if the voter desires to vote in the polling place for the voter's new address (you can find information on County Election Officers at [http://www.kssos.org/elections/elections\\_registration\\_ceo.asp](http://www.kssos.org/elections/elections_registration_ceo.asp)), the voter will be permitted to vote a provisional ballot, provided that he/she submits a new voter registration application at that time. However, please note that under the Secretary of State's Election Standards, the provisional ballot will likely not be counted. Therefore, if the two options above are available, they are preferable to this third option.

## **Assistance at the polls:**

### **1. I am physically disabled and need assistance; will my polling place be accessible?**

Kansas law requires that each polling place be accessible to physically disabled voters, but many may not be accessible. A voter with a disability may request that his or her ballot be brought to the entrance of the voting place, or outside the voting place (within 250 feet from the entrance), to allow voting. Upon such a request, two members of the election board of different political parties are required to take a ballot to the voter and remain with the voter while he/she votes. Where paper ballots are used, the two board members are to return to the polling place and deposit the ballot in the ballot box. Where voting machines are used, the voter will either vote on an electronic voting machine if available or vote on an advance voting ballot. If the advance voting ballot is used, the two board members are to return to the polling place and cast the voter's vote on the voting machine exactly as shown on the voter's ballot.

If a voter reports that a polling place is not accessible to the physically disabled, alert a Commander so an attorney can get in touch with the responsible election official to report the problem immediately.

### **2. I am blind, physically disabled, or cannot read English, and require assistance at the polls in order to vote. Can I get assistance at the polls?**

Any voter applying to vote in any election who requires assistance to vote by reason of temporary illness, disability or lack of proficiency in reading the English language or any voter 65 or more years of age may request assistance in voting and may be accompanied into the voting booth and aided in casting the voter's vote either (1) by any person of the voter's choice or (2) if no person is chosen, by two members of the Election Board of different political parties. Election Protection volunteers can serve as assistants to any such voter requiring assistance if asked to do so by the voter. If a poll worker refuses to allow any such voter to bring a person of their choice into the voting booth, call the Legal Command Center or, where there is no Legal Command Center, alert a Commander so an attorney can get in touch with the responsible election official to report the problem immediately.

Election materials must be provided in Spanish in the following counties: Finney, Ford, Grant, Haskell, Kearny, and Seward counties.

## **Miscellaneous Issues:**

### **1. I have been approached by candidates or others at the polls.**

It is unlawful to campaign within 250 feet of the entrance of a polling place on Election Day or at an advance voting site. Campaigning refers to attempts to persuade voters to vote one way or another, including the wearing of buttons and clothing, or displaying labels, signs, posters, or stickers bearing political campaign slogans or names of candidates. Campaigning can take place so long as it is done in compliance with this rule. If someone is violating the 250-foot requirement, alert a Commander so an attorney can get in touch with the responsible election official to report the problem immediately.

Note that campaigning does not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.

## **2. What if I requested an advance ballot but I want to vote in person on Election Day?**

If the registration or poll book indicates that the voter requested an advance ballot, but the voter wishes to vote in person at the polling place, the voter should be allowed to vote in person by PROVISIONAL ballot.

## **3. There are people at the polls trying to intimidate voters.**

Contact a Commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.

## **4. I have a felony conviction. Can I vote?**

It depends. Kansas law prohibits from voting any person who has been convicted of a felony by any federal or state court of record and has not completed sentence, parole or probation. After completion of sentence, parole or probation, a convicted felon may vote only if he/she has re-registered to vote by submitting a new voter registration application by the registration deadline. Voting rights are not automatically restored.

Note that when signing the voter registration application, a registrant swears or affirms that “if convicted of a felony, I have had my civil rights restored.”

## **5. I am a college student, can I vote where I go to school?**

College students may register and vote where they go to school provided that they consider their place of habitation at that location to be their voting residence. A voting residence is the place adopted by a person as such person's place of habitation and to which, whenever such person is absent, such person intends to return. There is no length of residency requirement, other than the 14 days one must be registered to vote before the election.

Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if (1) they have fulfilled all of the registration requirements (18 years of age before the election, U.S. citizenship, no felony conviction or completion of sentence, parole or probation, no court order of incompetence, and satisfaction of residency requirement), (2) they have registered on time for this election, and (3) they are at the correct polling place.

If a properly registered student is turned away at the poll, contact a Commander to dispatch an attorney to the location and contact the appropriate election official.

