

EXHIBIT A

From: county-election-officials-bounces@list.ink.org [mailto:county-election-officials-bounces@list.ink.org] **On Behalf Of** Bryant, Brad [KSOS]
Sent: Tuesday, July 30, 2013 9:39 AM
To: CEO list serve (county-election-officials@ink.org)
Subject: [County-election-officials] Supreme Court decision and Kansas voter registration

To all Kansas county election officers:

This message is intended to provide additional guidance regarding voter registration procedures and the CEO's responsibilities when implementing the dual registration system resulting from the recent U.S. Supreme Court decision in the case of *Arizona v. Inter Tribal Council*. As the Supreme Court made clear, its decision applies only to "federal registration forms" and covers *only federal elections*. States remain free to require proof of citizenship from voters who seek to also vote in state elections.

KSA 25-2309(a) allows any qualified elector to register to vote in Kansas using either the Kansas voter registration form or the national mail voter registration form, which is also referred to as the "federal form." The federal form may be viewed on the federal Election Assistance Commission's web site here: http://www.eac.gov/assets/1/Documents/Federal%20Voter%20Registration_1209_en9242012.pdf

Do not confuse the term "federal form" with the Federal Post Card Application (FPCA), which is used by military & overseas citizens to apply for ballots under the federal UOCAVA law.

State law allows applicants to use either the state form or the federal form for voter registration because states are required to "accept and use" the federal form. This is part of the National Voter Registration Act of 1993 (NVRA, or "motor voter") and was reaffirmed by the Supreme Court's decision.

Whichever form a person uses, if an applicant does not submit a U.S. citizenship document, you must follow up and request one.

This dual registration system results in the following four scenarios:

Using the Kansas form

(1) A person who applies for voter registration using the Kansas form and submits a citizenship document is eligible to vote in all Kansas elections—federal, state and local.

(2) A person who applies using the Kansas form and does not submit a citizenship document is not eligible to vote in federal, state or local elections. This applicant should be issued a provisional ballot, but the ballot will not count. It would count only if an error was discovered after submission of the provisional ballot.

Using the federal form

(3) A person who applies using the federal form and submits a citizenship document is eligible to vote in all Kansas elections—federal, state and local.

(4) A person who applies using the federal form and does not submit a citizenship document is eligible to vote only in federal elections but is not eligible to vote in state or local elections. This federal-only registrant may have his/her votes counted only for the offices of President/Vice President, U.S. Senator, and U.S. Representative.

Many counties probably have had very few federal forms submitted over the years. Regardless of the number, beginning now you must track which voter registration applicants in your county have applied using the federal form since January 1, 2013. This means you should take note when a federal form comes to your office and keep a list of the names of individuals who submit them. One of the Statuses or Reasons in ELVIS will be changed to assist in tracking those who use the federal form. Also, you should continue to request citizenship documents from those who fail to submit them with their applications, regardless of whether they used the Kansas or the federal form.

We will provide more detailed guidance regarding how this system will be administered when it is finalized.

BRAD BRYANT | State Election Director

EXHIBIT B

Good morning!

The Secretary of State's office confirms there are three classifications of potential voters at present: a potential voter who has submitted a voter registration application plus proof of citizenship as outlined in Kansas law, who will be allowed to vote in all elections; a potential voter who has submitted the Kansas Voter Registration Application but has not submitted proof of citizenship, who will not be allowed to vote in any election; and a potential voter who has submitted a National Voter Registration Application (such as that available at the U.S. Election Assistance Commission website, www.eac.gov/voter_resources) but no proof of citizenship to Kansas officials, who will be allowed to vote only in federal elections.

A registered voter who does not possess approved government-issued ID may apply for a free nondriver identification card through the Division of Vehicles, and the website www.gotvoterid.com (Valid Photo IDs tab) provides a copy of the form, which includes eligibility criteria and links to lists of acceptable documentation. The form also is available through the Department of Revenue's website, www.ksrevenue.org, Vehicles tab, Voter ID Card Fee Waiver Certification Form. Application must be made in person where driver's licenses are issued. The Director of Vehicles provided this information: Total ID Cards issued in 2012 = 16,297 Of those 16,297 IDs issued, only 353 had fees waived due to voting purposes. Total ID Cards issued Jan 1, 2013, to Sept 30, 2013 = 12,976. Of those 12,976 IDs issued, only 174 had fees waived due to voting purposes.

State Voter Identification Documents (as described at www.gotvoterid.com, Valid Photo IDs tab) have been issued to 14 people, according to the Secretary of State's office.

Regarding free birth certificates for voting purposes, application forms including eligibility criteria are available at www.gotvoterid.com, Proof of Citizenship tab. (To find a link from the Secretary's main official website required clicking on "SAFE Act" on the main page, then following an additional link. There appeared to be no link from the Vital Statistics website.) The person who can provide the statistics on issuance is away until next week. I will forward any information I get about that.

Please let me know your additional questions.

Jill Shelley, principal analyst Kansas Legislative Research Department