



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 11, 1976

ATTORNEY GENERAL OPINION NO. 76-248

Mary F. Hope
Commissioner of Elections
Shawnee County Courthouse
Topeka, Kansas 66603

RE: Elections - Registration - Application

SYNOPSIS: Any person who seeks to register to vote must, under 1976 legislation, apply either in person or by mail to be registered. The application must be on a form 1) which is approved by the secretary of state and 2) which is furnished to the applicant by the county election officer upon either personal or written request of the applicant.

* * *

Dear Mrs. Hope:

You inquire concerning the procedures prescribed by 1976 Senate Bill No. 470, see ch. 181, L. 1976, for the processing of applications for voter registration.

Your question is prompted by two separate factual circumstances. First, you advise that a resident of Shawnee County obtained a registration form from your office, and completed and returned a photocopy of the original form furnished by your office. In the second instance, a resident of Shawnee County who was temporarily employed in another county obtained a registration application from the county election officer of that other county, completed it and forwarded it to your office. You inquire whether you may accept these applications.

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Section 7, ch. 181, L. 1976, substantially amended K.S.A. 25-2309. Formerly, thereunder all persons seeking to register to vote were required to appear personally before the county election officer or deputy thereof, except those unable to do so because of illness, physical disability or absence from the county. This section was amended in 1976 to permit all persons to register by mail.

"Any person may apply in person or by mail to the county election officer to be registered. Such application shall be made on a form approved by the secretary of state, which shall be provided by the county election officer upon request in person or in writing by an individual applicant." [Emphasis supplied.]

The question which is posed is whether you may accept a voter registration application which is submitted on a form approved by the secretary of state, but not on the form provided by your office upon personal or written request of the individual applicant. The second sentence quoted above requires that the registration application be on a form which is 1) approved by the secretary of state, and 2) furnished by the county election officer. The applications which prompted your inquiry were not prepared on forms furnished by your office, and accordingly may not be accepted for filing.

The apparent purpose of the 1976 legislation, to enhance opportunities for voter registration, is highly commendable. Nonetheless, the legislature has not permitted the greatest possible dissemination of voter registration applications. It remains necessary for the individual applicant to apply in person or by mail to the county election officer for the application form. This bureaucratic requirement works unnecessary hardship upon Kansas voters, as reflected in the instances you describe. To cite but the most obvious example of the unfairness of the requirement, a voter who applies in person to the county election officer to register may not take forms home for other members of the family, for they must themselves appear at the courthouse or apply in writing for the forms.

The further question has been raised, although not in your letter, concerning the form of the written request submitted by

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a person seeking a registration form. The statute does not specify the form the request must be taken, except that it be a written request. It is sufficient, then, that the form be handwritten, typewritten, or printed, so long as it is executed by the individual applicant.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:en