



STATE OF KANSAS

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ATTORNEY GENERAL

October 11, 1978

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ATTORNEY GENERAL OPINION NO. 78- 329

Ms. Thelma Foster  
Labette County Clerk  
Labette County Courthouse  
Oswego, Kansas 67356

Re: Elections--Registration--Applications

Synopsis: The omission from a voter registration application form of the date when the applicant's present residence was established does not invalidate the voter registration based upon such application.

\* \* \*

Dear Ms. Foster:

You inquire concerning the registration of voters in your county. In particular, you inquire concerning the validity of the registration of certain persons who have heretofore registered to vote, and to whom you have duly issued certificates of registration.

K.S.A. 25-2309(b) provides in pertinent part thus:

"Applications . . . [to register] shall give such information as is necessary to identify the applicant and to determine the qualifications of the applicant as an elector and the facts authorizing such person to be registered, including, but not limited to, the following data concerning the applicant:

- (1) Name;
  - (2) place of residence, including specific address or location;
  - (3) date of birth;
  - (4) sex;
  - (5) telephone number, if available;
  - (6) naturalization data (if applicable);
  - (7) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
  - (8) *when present residence established;*
- and
- (9) name under which applicant last registered or voted, if different from present name." [Emphasis supplied.]

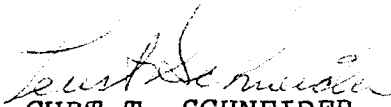
You advise that the registration applications which have been executed by a very substantial number of registrants of your county provide no space for the voter to indicate when his or her present residence was established, and as a result, this information is missing from these applications. You ask whether this omission invalidates the registration of these citizens.

In my opinion, the lack of this information does not affect the validity of the voter registration of the individuals involved. The stated purpose of the voter registration application is to identify the applicant and to determine his or her qualifications to be registered to vote. In order to be registered to vote, one must reside in the State of Kansas and in the voting area in which one offers to vote at least twenty days next preceding the election at which one offers to vote. Registration in Kansas closes 20 days preceding each election. Any time a voter applies to register when the registration rolls are open, and declares his or her present residence, the date that residence was established is immaterial to determine the voter's qualifications, for necessarily, that declaration of residence will have been made at least twenty days next preceding the next election. There has clearly been substantial compliance with the voter registration application requirements, and in my opinion, the omission of the date the voter's residence was established is not a substantial departure from the requirements of the statute which is directly relevant to a determination of the applicants' qualifications to vote. Accordingly, in my opinion, the registrations which may be drawn

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in question because of the lack of this information are not invalid because of that omission.

Yours truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj