



**Division for Research, Policy and Programs  
U.S. Election Assistance Commission  
1201 New York Ave. NW – Suite 300  
Washington, DC 20005**

July 31, 2013

Honorable Kris W. Kobach  
Secretary of State  
Office of the Kansas Secretary of State  
Memorial Hall, 1<sup>st</sup> Floor  
120 S.W. 10<sup>th</sup> Avenue  
Topeka, KS 66612-1594

Dear Secretary Kobach:

Thank you for your correspondence dated June 18, 2013 to this office requesting modification of instructions relative to Kansas on the national mail voter registration form (Federal Form). Please be advised that upon review the U.S. Election Assistance Commission (EAC) staff cannot process your request due to a lack of a quorum on the Commission.

As you know, the EAC currently has four vacancies on the Commission. The EAC staff is authorized to process State requests to modify state-specific instructions on the Federal Form but according to current procedures must defer any requests that raise “issues of broad policy concern to more than one state” until EAC has a quorum. I have attached a copy of the memo to EAC Commissioners Donetta Davidson and Gineen Bresso from Thomas Wilkey, Executive Director, dated November 9, 2011 which delineates the process EAC staff must follow when receiving State requests to modify their state-specific instructions on the Federal Form.

Your correspondence indicates that the result of the authorizing Kansas statute and corresponding modification to the state-specific instruction on the Federal Form would be that the Federal Form would be rejected in Kansas without the proper citizenship documentation. Failure to “accept and use” the Federal Form as it is currently configured has broad policy impact that could affect more than one State. Therefore, EAC must defer your request until the reestablishment of a quorum at EAC.

If you have any questions on this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alice Miller".

Alice Miller,  
Acting Executive Director &  
Chief Operating Officer