

HCR 5004: A Constitutional Amendment Ballot Explainer

HCR 5004 is a constitutional amendment on the November 3, 2026 general election ballot for Kansans to consider for adoption. The amendment would rewrite Article 1, Section 5 of the Kansas Constitution, which establishes the right to vote.

WHAT THE KANSAS CONSTITUTION SAYS NOW

Article 1, Section 5 of the Kansas Constitution establishes Kansans' right to vote and outlines the eligibility requirements.

- **Kansas Constitution, Article 1, Section 5:** "Every citizen of the United States who *has attained the age of eighteen years and who resides in the voting area in which he or she seeks to vote shall be deemed a qualified elector."*

The criteria to be an eligible voter are stated very clearly. A person must be **a US citizen, at least 18 years old, and a resident of Kansas.**

The current language also affirms the right to vote. Notice how Article 1, Section 5 begins with *"Every citizen…"* Framing suffrage as a right that belongs to every eligible person puts the burden of proving ineligibility on the government instead of the voter, protecting us from unfair barriers to voting.

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WHAT HCR 5004 WOULD DO TO THE KANSAS CONSTITUTION

HCR 5004 would abandon the affirmative lens and replace it with a restrictive one.

- **Amended Language to Article 1, Section 5:** *"No person shall be deemed a qualified elector unless such person: (1) Is a citizen of the United States; (2) has attained the age of eighteen years; and…(3) resides in the voting area in which such person seeks to vote."*

The amendment maintains the same eligibility requirements: US citizenship, at least 18 years old, and Kansas residency. However, it makes voting a privilege instead of a right for eligible Kansans. To paraphrase, HCR 5004 says "No person" can vote "unless" they meet the eligibility standards.

Under HCR 5004, the Kansas Constitution would assume that no one is eligible to vote until they prove otherwise. Shifting this burden of proving eligibility onto Kansans may empower the state legislature to create more obstacles that make it harder to vote. Registering may require birth certificates, marriage licenses, and other documents that can be difficult to acquire.

THE BOTTOM LINE

The Kansas Constitution already states that only US citizens may vote. A vote for HCR 5004 would place the burden for establishing voting eligibility on Kansans. A vote against HCR 5004 would leave the burden on the government to prove ineligibility.