
Be it enacted by the Legislature of the State of Kansas:

New Section. 1. (a) (1) All voting systems used for elections in this state shall require the use of an individual, durable, voter-verified, paper ballot of the voter's vote that:

(A) Shall be marked by the voter, or by a person assisting the voter as otherwise permitted by law, either by hand or by use of a voting machine that is a non-tabulating paper ballot marking or printing device or system that may be electromechanical or electronic;

(B) shall be made available to the voter for inspection and verification by the voter after the voter has marked the ballot and before the voter's vote is cast and counted, that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new paper ballot; and

(C) shall be canvassed by hand or read and tabulated by vote-tabulating equipment consisting of optical scanning equipment or other counting equipment that counts and tabulates paper ballots. If the paper ballots are read and tabulated by vote-tabulating equipment consisting of optical scanning equipment or other counting equipment that counts and tabulates paper ballots, a sample hand-counted audit of the paper ballots cast shall be conducted by each precinct as provided in subsection (d).

(2) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the paper ballot is secured and preserved.

(3) The voting system shall not preserve the paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote without the voter's consent.

(4) The paper ballot shall constitute the official ballot and shall be preserved and used as the official ballot suitable for purposes of any audit.
or recount conducted with respect to any election in which the voting
system is used. Each paper ballot shall be counted by hand in any recount
conducted with respect to any election, unless the requestor of a recount
pursuant to K.S.A. 25-3107, and amendments thereto, elects not to have
the ballots counted by hand.

(5) In the event of any inconsistencies or irregularities between any
electronic vote tallies and the vote tallies determined by counting by hand
the paper ballots cast, the paper ballots as counted by hand shall be the true
and correct record of the votes cast.

(b) Paper ballots cast at a precinct voting location shall be made
available for inspection and counting at the voting location after the time
of the closing of the polls by any voter registered as a resident in that
precinct or by the voter's representative designated by the voter in writing.
The inspection shall be conducted in a manner that permits an independent
canvass of the ballots by the voter or voter's representative while
preserving the security and integrity of the paper ballots and voter
confidentiality. The inspection shall be permitted to be made concurrently
with an official canvass occurring after the closing of the polls if it will not
unduly interfere with the official canvass. The inspection shall be
supervised by an election board member or election judge, and all paper
ballots shall be handled only by an election board member or election
judge and shall remain in the custody of the election board at all times. If
more than one voter or voter's representative wishes to conduct an
inspection, only one inspection shall be conducted in a manner that
permits all voters or voter's representatives to participate. Before any
inspection of the paper ballots, the voter or voter's representative desiring
to make the inspection shall provide to the supervising judge identification
in the form of a driver's license or other reliable identification and shall
sign a log book or application form stating the person's name and address
and showing the date and time of the inspection. The supervising judge
shall have the authority to deny or to terminate an inspection if, in the
supervising judge's discretion, the inspection poses a risk to the integrity of
the canvass, the security of the paper ballots or voter confidentiality.

(c) Advance voting ballots shall be made available for inspection
after the closing of the polls at the place the advance voting ballots are
canvassed by the special election board as provided by K.S.A. 25-1135,
and amendments thereto, by any voter registered in that county where the
advance voting ballot has been received or by that voter's representative
designated by the voter in writing. The inspection shall be conducted in a
manner that permits an independent canvass of the advance voting ballots
by the voter or voter's representative while preserving the security and
integrity of the advance voting ballots and voter confidentiality. The
inspection shall be supervised by a member or members of the special
election board. The inspection shall be permitted to be made concurrently
with an official canvass occurring after the closing of the polls, if it will
not unduly interfere with the official canvass. All advance voting ballots
shall be handled only by a special election board member or election judge
and shall remain in the custody of the election board at all times. Advance
voting ballots and other voting records shall be handled and preserved in a
manner that preserves the security of the advance voting ballots and other
voting records and that preserves voter confidentiality. Before any
inspection of the advance voting ballots, the voter or voter's representative
desiring to make the inspection shall provide to the special election board
identification in the form of a driver's license or other reliable
identification and shall sign a log book or application form stating the
person's name and address and showing the date and time of the
inspection. The special election board shall have the authority to deny or to
terminate an inspection if, in the special election board's discretion, the
inspection poses a risk to the integrity of the canvass, the security of the
advance voting ballots or voter confidentiality.

(d) If paper ballots are read and tabulated by vote-tabulating
equipment consisting of optical scanning equipment or other counting
equipment that counts and tabulates paper ballots, a sample hand-counted
audit of the paper ballots cast shall be conducted at the voting place or
counting place by the election board. The audit shall consist of
examination of voter markings on randomly selected paper ballots and
comparison of the results to the voting system's tabulation as reflected in
the corresponding cast vote records, in accordance with rules and
regulations and audit specifications and parameters to be adopted by the
secretary of state. The results shall be reported to the county election
officer, the canvassing board and the secretary of state.

(e) The use of poll books not requiring a hand-written signature shall
be prohibited.

(f) The secretary of state shall adopt rules and regulations as
necessary or convenient to implement the provisions of this section.

Sec. 2. K.S.A. 25-1122a is hereby amended to read as follows: 25-
1122a. The county election officer of any county in which voting machines
are used may authorize persons filing applications for advance voting
ballots as provided by K.S.A. 25-1122, and amendments thereto, to cast
their votes upon voting machines. If the county election officer authorizes
the use of voting machines by advance voting voters such the officer shall
equip the office of the county election officer with enough voting
machines to enable all advance voting voters to cast their votes upon such
the machines.

Such machines shall be of a make certified by the secretary of state and
shall be sealed in a manner to allow tabulation of the total vote only at the
time of the closing of the polls on the day of the election for which such machines are used. Voting machines shall be used in conformance with the provisions of section 1, and amendments thereto.

Sec. 3. K.S.A. 25-1138 is hereby amended to read as follows: 25-1138. In counties where voting machines are used, the special election board shall proceed by using voting machines as permitted by section 1, and amendments thereto, to originally canvass, count and tally the advance voting ballots in accordance with K.S.A. 25-1135 through 25-1137, and amendments thereto, and section 1, and amendments thereto.

Sec. 4. K.S.A. 25-26a02 is hereby amended to read as follows: 25-26a02. Election precincts in all counties of the state shall be established or changed by county election officers in such a manner that:
(a) Except as otherwise provided in this section, each election precinct shall be composed of contiguous and compact areas having clearly observable boundaries using visible ground features which meet the requirements of the federal bureau of the census and which coincide with census block boundaries as established by the federal bureau of the census and shall be wholly contained within any larger district from which any municipal, township or county officers are elected;
(b) election precincts for election purposes shall be designated consecutively in the county by number or name, or a combination of name and number;
(c) any municipal exclave or township enclave shall be a separate precinct and designated by a separate number or name, or combination of name and number, and shall not be identified with or as a part of any other municipal or township precinct;
(d) from and after the time that the legislature has been redistricted in 1992, precincts shall be arranged so that no precinct lies in more than one legislative district;
(e) a street or other roadway which has been platted but not graded is not a visible or observable feature for the purposes of this section; and
(f) where a legislative district boundary coincides with a municipal boundary which is changed by reason of annexation, such the legislative district boundary shall be maintained as a precinct boundary until the next legislative redistricting regardless of whether such a the legislative district boundary uses a visible ground feature or coincides with a census block boundary; and
(g) the boundaries of each precinct shall be composed so as to include the addresses of at least 100 registered voters, but not more than 5,000 registered voters.

Sec. 5. K.S.A. 2017 Supp. 25-2701 is hereby amended to read as follows: 25-2701. (a) The county election officer shall determine the area to be served by each voting place at every election and shall provide notice
of such the voting places as required by law. Any precinct having less than 20–100 registered voters shall be included with an adjacent precinct or precincts in a single area to be served by a common voting place. The location of voting places shall be designated by the county election officer as provided by K.S.A. 25-2703, and amendments thereto.

(b) For any election to which this section is applicable, wherever a city is located in two counties, the county election officer of the county in which the greater population of the city is located may designate a voting place located in a portion of the city in the other county to serve an area within that portion of the city within the county in which the greater population of the city is located.

(c) At voting places serving two or more precincts, one or more of which have less than 20–100 registered voters, all ballots which are identical shall be deposited in the same ballot box or boxes and such the votes shall be counted and canvassed in a manner as to minimize the possibility of identifying the ballots cast by any voter.

(d) (1) The county election officer may not change a voting place prior to an election without providing mailed notice to the voters affected at least 30 days prior to the election. If an emergency is declared by the county election officer, the mailed notice requirement shall be waived.

(2) Failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the results of the election.

Sec. 6. K.S.A. 25-2808 is hereby amended to read as follows: 25-2808. (a) Except as otherwise provided in subsection (b), the county election officer shall determine for each election, for each voting place, whether the election board thereof will have three members or some greater number of members.

(b) The county election officer may appoint an election board of two members for any precinct having less than 50 registered voters and in which the voting place is located more than 10 miles from any other voting place. Such members shall not be members of the same political party. In the event of an emergency or if one of the members of the election board is unable to complete the duties prescribed by law, the county election officer shall be informed and the member of the election board shall be replaced immediately. If at anytime one of the board members shall leave the room where the ballots are kept, a note describing the time, situation and number of voted ballots, or if applicable, the vote which has been counted, shall be written in the registration book. The time that such second member of the election board returns shall be written in the registration book and the note signed by both board members. If at any time both members of the election board leave the room, a notation to that effect shall be made in the registration book and the ballots secured against tampering.

Sec. 7. K.S.A. 2017 Supp. 25-2810 is hereby amended to read as
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follows: 25-2810. (a) Each election board shall have control of its voting
place and election procedure under the sole supervision of the secretary of
state, county election officer, deputy county election officers and the
supervising judge. The election board shall open the polls at the time
specified by the county election officer. The judges shall have charge of
the ballots and the supervising judge shall designate one of their number to
furnish them to voters as provided by law.

(b) Any election board of five or more members may be divided by
the county election officer into a receiving board and a counting board,
and the receiving board shall furnish and receive ballots and record the
names of voters. The receiving board shall have control of the voting place
and election procedure under the sole supervision and direction of the
secretary of state, county election officer, deputy county election officers,
and the supervising judge. The receiving board shall open and close the
polls at the time specified by the county election officer.

(c) The counting board or boards, if any, shall proceed to their voting
place after the opening of the polls at the hour specified by the county
election officer.

(d) At national and state elections, both primary and general, the
counting board, if any, shall take charge of one of the ballot boxes
containing the national and state ballots already cast in that precinct. It
shall retire to a partitioned room or space in the voting place provided for
that purpose and there proceed to count and tabulate the ballots cast as it
shall find them deposited in the national and state ballot box. The
receiving board shall continue to receive the votes of electors in another
national and state ballot box, and in a county and township ballot box until
such time as the counting board shall have finished counting and
tabulating the ballots cast in the first national and state ballot box. They
shall then exchange the first box for the second national and state box, and
so continue until they have counted and tabulated all the votes cast on that
election day in the national and state ballot boxes. Counting boards may, in
like manner, count the ballots in other ballot boxes when only an
unsubstantial number of national and state ballots have been cast and are
uncounted, and likewise at elections where there are no national and state
ballots. Prior to the closing of the polls, no ballots shall be counted from
any ballot box containing less than 50 ballots. No result of the count shall
be made known to any person not on the election board, except the county
election officer or such officer's deputies, until after the time to close the
polls.

(e) At city and school elections, both primary and general, the
counting board, if any, shall take charge of a ballot box containing one
kind of ballot. Such board shall then proceed, as in national and state
elections, to count and tabulate the ballots cast. When the ballots in such
ballot box have been counted, the box shall be exchanged for another
ballot box and so continue until all of the ballots of every kind are counted
and tabulated.
(f) When the hour arrives for closing the polls, the election board,
including both the receiving and counting boards if any, shall continue in
the work of counting, tabulating and summarizing the votes, and making
their certificates as to the result of the election.
(g) All of the judges and clerks at the same voting place on duty
when the polls close shall unite in certifying the election results as
provided in K.S.A. 25-3006, and amendments thereto.
(h) (1) In accordance with rules and regulations adopted by the
secretary of state, the county election officer may allocate staffing
resources as needed at the voting place except that two members of the
election board, one of which is the supervising judge, shall be on duty for
the entire time the polls are open.
(2) The secretary of state may adopt rules and regulations to
implement the provisions of this section.
(i) Under the direction of the secretary of state, county election
officer, deputy county election officers and the supervising judge, election
boards shall ensure the provisions of section 1, and amendments thereto,
are followed and administered.
Sec. 8. K.S.A. 25-3004 is hereby amended to read as follows: 25-
3004. During the original canvass by election boards, the judge
announcing the vote on any ballot shall, upon request of any authorized
poll agent, exhibit such the ballot fully opened in a condition that such the
agent may fully and carefully read and examine the same. The judge shall
not allow any such ballot to be taken from his hands. Upon the closing of
the polls, an inspection by one or more voter or voter's representative
shall be allowed if requested and as permitted by section 1, and
amendments thereto.
Sec. 9. K.S.A. 25-3006 is hereby amended to read as follows: 25-
3006. (a) When the election board completes its canvass, it shall make
three abstracts of the vote cast for all candidates whose names are printed
on the ballot, all write-in votes cast and all votes cast on questions
submitted. Such abstracts shall be made under the direction of the
supervising judge upon forms provided by the county election officer.
Each of such the three abstracts shall bear a certificate of the validity
thereof and each certificate shall be signed by all of the clerks and judges
at the voting place.
(b) In voting places where voting machines equipped with printed
election returns mechanisms are used, the counter compartment shall not
be opened and the original and duplicate originals of the printed return
sheets of the votes cast on questions submitted and for candidates whose
names are printed on the official ballot labels, together with the tabulation and inclusion of any write-in votes appearing on the paper roll shall constitute the official abstract for the votes cast on that machine, when coupled with the other originals and duplicate originals of other machines in the voting place and certified as abstracts of the vote cast at such voting place, upon forms and in the manner prescribed by the county election officer.

(c) The secretary of state may adopt rules and regulations prescribing procedures and forms to be used in carrying out the provisions of this section and K.S.A. 25-1338, as amended and amendments thereto.

(d) On and after the effective date of this act, the use of voting machines shall be permitted only in accordance with the provisions of section 1, and amendments thereto.

Sec. 10. K.S.A. 2017 Supp. 25-4401 is hereby amended to read as follows: 25-4401. As used in this act unless the context otherwise requires:

(a) "Ballot" means a paper ballot as defined by K.S.A. 25-4601, and amendments thereto, and section 1, and amendments thereto, containing the offices and questions on which voters in a specified voting area are eligible to vote.

(b) "Counting location" means the location in the county selected by the county election officer for the counting of ballots.

(c) "Electronic or electromechanical voting system" means a system of casting votes and tabulating ballots employing automatic tabulating equipment or data processing equipment including as permitted by section 1, and amendments thereto, and does not include a direct recording electronic system.

(d) "Direct recording electronic system" means a system that records votes by means of a ballot display provided with mechanical or electro-optical components that can be activated by the voter, that processes data by means of a computer program, that records voting data and ballot images in memory components, that produces a tabulation of the voting data stored in a removable memory component and as printed copy, and that may also provide a means for transmitting individual ballots or vote totals to a central location for consolidating and reporting results from precincts at the central location.

Sec. 11. K.S.A. 2017 Supp. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) The board of county commissioners of any county in which the board of county commissioners and county election officer have
determined that an electronic or electromechanical voting system shall be used may issue bonds to finance and pay for purchase, lease or rental of such a system.

(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any voting system, the board of county commissioners and the county election officer shall abandon such the system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such the abandonment shall be permanent.

(d) On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any direct recording electronic system, as defined in K.S.A. 25-4401(d), and amendments thereto. On an after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any electronic or electromechanical voting system, unless such system marks or provides a paper ballot record of each vote cast, produced at the time the vote is cast, and otherwise complies with the provisions of section 1, and amendments thereto.

Sec. 12. K.S.A. 2017 Supp. 25-4404 is hereby amended to read as follows: 25-4404. The secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, including operating systems, firmware and software, and no kind or make of such system shall be used at any election unless and until it receives certification by the secretary of state and a statement thereof is filed in the office of the secretary of state. All electronic or electromechanical voting systems shall conform with and be used in accordance with the provisions governing voting systems pursuant to section 1, and amendments thereto.

Sec. 13. K.S.A. 2017 Supp. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide for voting for the candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;
(b) shall permit a voter to vote for any independent candidate for any office;
(c) shall provide for voting on constitutional amendments or other questions submitted;
(d) shall be so constructed that, as to primaries where candidates are
nominated by political parties, the voter can vote only for the candidates
for whom the voter is qualified to vote according to articles 2 and 33 of
chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
(e) shall afford the voter an opportunity to vote for any or all
candidates for an office for whom the voter is by law entitled to vote and
no more, and at the same time shall prevent the voter from voting for the
same candidate twice for the same office;
(f) shall be so constructed that in presidential elections the
presidential electors of any political party may be voted for by one action;
(g) shall provide for "write-in" votes;
(h) shall provide for voting in absolute secrecy, except as to persons
who request assistance due to temporary illness or disability or a lack of
proficiency in reading the English language;
(i) shall reject all votes for an office or upon a question submitted
when the voter has cast more votes for such the office or upon such the
question than the voter is entitled to cast;
(j) shall provide for instruction of voters on the operation of voting
machines, illustrating the manner of voting by the use of such the systems.
The instruction may include printed materials or demonstration by election
board workers; and
(k) shall meet the requirements of the help America vote act of 2002
and other federal statutes and regulations governing voting equipment;
and
(l) shall meet the requirements of a voting system as defined in
section 1, and amendments thereto, and shall be used in accordance with
the provisions of section 1, and amendments thereto.
Sec. 14. K.S.A. 2017 Supp. 25-4412 is hereby amended to read as
follows: 25-4412. (a) In voting areas where electronic or
electromechanical voting systems are used, as soon as the polls are closed,
the supervising judge shall secure the voting equipment to prevent further
voting. The judge shall count the number of ballots or envelopes
containing ballots that have been cast to determine that the number of
ballots equals the number of voters shown on the poll book. If there is a
discrepancy, this fact shall be reported in writing to the county election
officer with the reasons therefor if known. The write-in votes shall then be
counted by the supervising judge and clerks.
(b) The supervising judge shall place any all paper ballots that have
been cast in the container provided for the purpose, which shall be sealed
and delivered forthwith by two election board members who shall not be
of the same political party, to the counting location together with the
provisional, unused, void and defective ballots and returns.
(c) All proceedings at the counting location shall be under the
direction of the county election officer and under the observation of two
election board members who shall not be of the same political party and
shall be open to the public, but no persons except those employed and
authorized for the purpose shall touch any ballot, ballot container or return.
If any paper ballot is damaged or defective so that it cannot properly be
counted by the automatic tabulating equipment, such ballot shall be
manually counted. The totals for all such ballots manually counted shall be
added to the totals for the respective precincts or election districts.

(d) The return printed by the automatic tabulating equipment, to
which has been added the return of write-in and advance voting votes and
manually counted votes, shall constitute the official return of each precinct
or election district. Upon completion of the count the returns shall be open
to the public. A copy of the returns shall be posted at the central counting
place or at the office of the election officer in lieu of the posting of returns
at the individual precincts.

(e) If for any reason it becomes impracticable to count all or a part of
the ballots with tabulation equipment, the county election officer may
direct that they be counted manually, following as far as practicable the
provisions governing the counting of paper ballots.

(f) An audit shall be conducted as provided by section 1, and
amendments thereto.

Sec. 15. K.S.A. 2017 Supp. 25-4603 is hereby amended to read as
follows: 25-4603. The secretary of state shall examine and approve the
types or makes of systems using optical scanning equipment, including
operating systems, firmware and software, and no kind or make of such
system shall be used at any election unless and until it receives
certification by the secretary of state and a statement thereof is filed in the
office of the secretary of state. Optical scanning equipment shall be used
in accordance with the provisions of section 1, and amendments thereto.

Sec. 16. K.S.A. 2017 Supp. 25-4611 is hereby amended to read as
follows: 25-4611. (a) As soon as the polls are closed, the supervising judge
shall count the number of ballots or envelopes containing ballots that have
been cast to determine that the number of ballots equals the number of
voters shown on the poll book. If there is a discrepancy, this fact shall be
reported in writing to the county election officer with the reasons therefor
if known.

(b) The election judge shall place all ballots that have been cast in the
container provided for the purpose, which shall be sealed and delivered by
two election board members who shall not be of the same political party, to
the counting location together with the provisional, unused, void and
defective ballots and returns.

(c) All proceedings at the counting location shall be under the
direction of the county election officer and under the observation of two
election board members who shall not be of the same political party and
shall be open to the public, but no persons except those employed and
authorized for the purpose shall touch any ballot, ballot container or return.
If any ballot is damaged or defective so that it cannot properly be counted
by the optical scanning equipment, it shall be counted manually.

(d) Advance voting ballots may be counted by the optical scanning
equipment if they have been marked in a manner which will enable them
to be properly counted by such equipment. If any advance voting ballot is
damaged or defective so that it cannot properly be counted by the optical
scanning equipment, it shall be counted manually.

(e) The return printed by the optical scanning equipment, to which
has been added the return of write-in and advance voting votes and
manually counted votes, shall constitute the official return of each precinct
or voting area. Upon completion of the count the returns shall be open to
the public. A copy of the returns shall be posted at the office of the county
election officer.

(f) If for any reason it becomes impracticable to count all or a part of
the ballots with optical scanning equipment, the county election officer
may direct that they be counted manually, following as far as practicable
the provisions governing the counting of paper ballots.

(g) Procedures shall conform with the provisions of section 1, and
amendments thereto, including the performance of an audit, as provided
by section 1, and amendments thereto.

Sec. 17. K.S.A. 2017 Supp. 25-4613 is hereby amended to read as
follows: 25-4613. Optical scanning equipment and systems using optical
scanning equipment approved by the secretary of state:

(a) Shall be capable of being tested to ascertain that the equipment
will correctly count votes cast for all offices and on all questions
submitted; and

(b) shall be capable of printing in legible form, reports and summaries
of the election results as required by articles 30 and 31 of chapter 25 of
Kansas Statutes Annotated; and

(c) shall be capable of tabulating votes for candidates for nomination
or election of all political parties officially recognized pursuant to K.S.A.
25-302a, and amendments thereto; and

(d) shall be capable of tabulating votes for any independent candidate
of any office; and

(e) shall be capable of tabulating votes for constitutional amendments
or other questions submitted; and

(f) shall be capable of tabulating the number of "write-in" votes cast
for any office;

(g) shall not count any votes for an office or upon a question
submitted when the voter has cast more votes for such the office or upon
such the question than the voter is entitled to cast;
(h) shall provide notification when the voter has cast more votes for such the office or upon such the question than the voter is entitled to cast; and

(i) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment; and

(j) shall be used in accordance with the provisions of section 1, and


Sec. 19. This act shall take effect and be in force from and after January 1, 2019, and its publication in the statute book.