

## SENATE BILL No. 262

By Committee on Federal and State Affairs

2-16

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1 AN ACT concerning elections; requiring legislative approval of  
2 determinations or rules or regulations of the secretary of state; requiring  
3 the hand counting of ballots; prohibiting the use of electronic or  
4 electromechanical voting systems and electronic poll books; providing  
5 for the public reporting of vote counts during vote canvassing;  
6 amending K.S.A. 25-3001, 25-3006 and 25-3107 and K.S.A. 2022  
7 Supp. 25-2912, 25-4402, 25-4403, 25-4404, 25-4405, 25-4407, 25-  
8 4408, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 and repealing  
9 the existing sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2022 Supp. 25-2912 is hereby amended to read as  
13 follows: 25-2912. (a) (1) (A) All voting systems used for elections in this  
14 state held on or after January 1, 2024, shall require the use of an  
15 individual, durable, voter-verified paper ballot with a distinctive  
16 watermark *and serial number* established by the secretary of state *and*  
17 *approved by the legislature*. The voter's ballot shall be:

18 (i) Marked by the voter, or by a person assisting the voter as  
19 otherwise permitted by law, either by hand or, *prior to January 1, 2024*, by  
20 use of a voting machine that is a non-tabulating paper ballot marking or  
21 printing device or system that may be electromechanical or electronic. *On*  
22 *and after January 1, 2024, ballots shall only be marked by hand;*

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

27 (iii) canvassed by hand or, *prior to January 1, 2024*, read and  
28 tabulated by vote-tabulating equipment consisting of optical scanning  
29 equipment or other counting equipment that counts and tabulates paper  
30 ballots. *On and after January 1, 2024, ballots shall only be canvassed by*  
31 *hand.*

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

35 (2) The voting system shall not preserve the paper ballots in any  
36 manner that makes it possible, at any time after the ballot has been cast, to

1 associate a voter with the record of the voter's vote without the voter's  
2 consent.

3 (3) The paper ballot shall constitute the official ballot and shall be  
4 preserved and used as the official ballot suitable for purposes of *the*  
5 *tabulation of votes* and any audit or recount conducted with respect to any  
6 election in which the voting system is used. *On and after January 1, 2024,*  
7 each paper ballot shall be counted by hand in any recount conducted with  
8 respect to any election, ~~unless the requestor of a recount pursuant to~~  
9 ~~K.S.A. 25-3107, and amendments thereto, elects not to have the ballots~~  
10 ~~counted by hand.~~

11 (4) In the event of any inconsistencies or irregularities between any  
12 electronic vote tallies *counted prior to January 1, 2024,* and the vote  
13 tallies determined by counting by hand the paper ballots cast, the paper  
14 ballots as counted by hand shall be the true and correct record of the votes  
15 cast.

16 (b) *On and after January 1, 2024,* the use of *electronic or*  
17 *electromechanical voting or tabulation systems and electronic poll books*  
18 *or poll books not requiring a hand-written signature shall be prohibited.*

19 (c) *For purposes of this section and legislative oversight of state and*  
20 *local elections with reference to this section, "approval by the legislature"*  
21 *means that the secretary of state shall advise the legislature and the*  
22 *chairperson and members of the legislative coordinating council of a*  
23 *proposed determination or the proposed adoption of a rule or regulation.*  
24 *Except as provided in this subsection, no such determination or rule or*  
25 *regulation shall be effective if such prior advice is not provided unless and*  
26 *until affirmatively approved by action of the legislature or the legislative*  
27 *coordinating council as provided in this subsection. The chairperson of*  
28 *the legislative coordinating council shall call a meeting of the council for*  
29 *purposes of reviewing the proposed determination or proposed rule or*  
30 *regulation of the secretary of state. The secretary of state's determination*  
31 *or the rule or regulation may be revoked at any time by concurrent*  
32 *resolution of the legislature or, when the legislature is not in session or is*  
33 *adjourned during session for three or more calendar days, the secretary of*  
34 *state's determination or rule or regulation may be approved or revoked by*  
35 *the legislative coordinating council with the affirmative vote of the*  
36 *members thereof. Except as provided in this subsection, the secretary of*  
37 *state's determination or rule or regulation shall be deemed to have been*  
38 *approved unless and until the legislature or legislative coordinating*  
39 *council revokes the determination or rule or regulation. During the period*  
40 *of 30 calendar days preceding an election, except for an emergency*  
41 *approved by the legislative coordinating council, no rule or regulation*  
42 *shall be adopted by the secretary of state that would affect such election.*  
43 *During such period preceding an election, if the secretary is reasonably*

1 *unable to provide prior advice of a determination or rule or regulation,*  
2 *such determination or rule or regulation shall be effective upon advice of*  
3 *the rule or regulation being provided by the secretary of state to the*  
4 *legislature and the legislative coordinating council. During such period,*  
5 *determinations or rules and regulations shall be deemed effective for such*  
6 *election unless the legislature or legislative coordinating council*  
7 *disapproves or revokes the determination or rule or regulation not later*  
8 *than three calendar days after the day that the secretary of state has*  
9 *advised the legislature or the chairperson and members of the legislative*  
10 *coordinating council of the determination or rule or regulation.*

11 (d) On or before January 1, 2023, the secretary of state shall adopt  
12 rules and regulations to implement the provisions of this section. *Rules*  
13 *and regulations adopted pursuant to this act after July 1, 2024, shall be*  
14 *subject to the approval of the legislature.*

15 Sec. 2. K.S.A. 25-3001 is hereby amended to read as follows: 25-  
16 3001. Election boards shall make the original canvass according to the  
17 following procedure:

18 (a) A ballot box shall be opened and a judge designated by the  
19 supervising judge shall take the ballots out of the box either one at a time  
20 or in limited quantities as authorized by the supervising judge.

21 (b) A judge shall read and announce the vote on the ballot for each  
22 candidate. In reading and announcing the vote on ballots, the judge shall  
23 so place the ballot that another member of the election board may view the  
24 ballot as the vote is announced. The clerks shall make a tally mark  
25 opposite the name of each candidate receiving a vote as announced by the  
26 judge. Such tally marks shall be made upon tally sheets provided by the  
27 county election officer. The supervising judge may direct a judge to  
28 perform the functions of a clerk for limited periods during the canvass and  
29 thereby temporarily relieve one or both clerks.

30 (c) After one judge announces the votes upon a ballot, ~~he~~ *such judge*  
31 *shall hand the same to a second judge, who shall examine it and dispose of*  
32 *it as provided in this act.*

33 (d) Void and blank ballots shall be announced by the judge, and the  
34 clerks shall make one tally mark for each such ballot opposite the proper  
35 designation on the tally sheet.

36 (e) From time to time during the canvass the clerks shall compare  
37 tally sheets and reconcile any differences to the satisfaction of a majority  
38 of the election board. When the canvass is completed, the number of votes  
39 received by each candidate shall be written in the indicated place on the  
40 tally sheet.

41 (f) *When the canvass is completed on the night of the election, or if*  
42 *the canvass is continued from day to day at the completion of canvassing*  
43 *on each day, the supervising judge shall promptly transmit the number of*

1 *votes received by each candidate or the number of votes received for and*  
2 *against a question submitted to the voters to the secretary of state or the*  
3 *secretary's designee as provided by K.S.A. 25-3006, and amendments*  
4 *thereto.*

5 Sec. 3. K.S.A. 25-3006 is hereby amended to read as follows: 25-  
6 3006. (a) When the election board completes its canvass, it shall make  
7 three abstracts of the vote cast for all candidates whose names are printed  
8 on the ballot, all write-in votes cast and all votes cast on questions  
9 submitted. Such abstracts shall be made under the direction of the  
10 supervising judge upon forms provided by the county election officer.  
11 Each of such three abstracts shall bear a certificate of the validity thereof  
12 and each certificate shall be signed by all of the clerks and judges at the  
13 voting place.

14 (b) In voting places *prior to January 1, 2024*, where voting machines  
15 equipped with printed election returns mechanisms are used, the counter  
16 compartment shall not be opened and the original and duplicate originals  
17 of the printed return sheets of the votes cast on questions submitted and for  
18 candidates whose names are printed on the official ballot labels, together  
19 with the tabulation and inclusion of any write-in votes appearing on the  
20 paper roll shall constitute the official abstract for the votes cast on that  
21 machine, when coupled with the other originals and duplicate originals of  
22 other machines in the voting place and certified as abstracts of the vote  
23 cast at such voting place, upon forms and in the manner prescribed by the  
24 county election officer. *On an after January 1, 2024, only manual hand*  
25 *counting of the votes cast, as provided by K.S.A. 25-3001, and*  
26 *amendments thereto, shall be permitted.*

27 (c) *When the election board completes its canvass on the night of the*  
28 *election and has made the abstracts as provided by subsections (a) and*  
29 *(b), the supervising judge shall promptly report the votes cast for all*  
30 *candidates whose names are printed on the ballot, all write-in votes cast*  
31 *and all votes cast on questions submitted to the secretary of state or the*  
32 *secretary's designee. If the canvass is not completed the night of the*  
33 *election, the supervising judge shall promptly report the votes counted as*  
34 *indicated by the tally sheets at the end of canvassing each day that the*  
35 *canvass continues until the canvass is completed and shall then promptly*  
36 *report the completed canvass results. Reports shall be made and*  
37 *transmitted in the form and manner as determined by the secretary and*  
38 *approved by the legislature. All vote counts or results reported to the*  
39 *secretary of state or the secretary's designee shall be as agreed by the*  
40 *supervising judge and all judges and clerks at the voting place. Such*  
41 *reports shall not be considered in determining the official abstract or be*  
42 *considered as evidence in any proceeding challenging the results of any*  
43 *election but shall be utilized solely for purposes of providing current*

1 *election vote count information for the interest of the public by the*  
2 *secretary of state. The secretary shall promptly publish such unofficial*  
3 *vote counts when reported and the final unofficial results on the*  
4 *secretary's website by voting area or precinct, county and aggregate*  
5 *totals.*

6 ~~(e)~~(d) The secretary of state may adopt rules and regulations  
7 prescribing procedures and forms to be used in carrying out the provisions  
8 of this section and K.S.A. 25-1338, ~~as amended and amendments thereto,~~  
9 *subject to approval by the legislature.*

10 Sec. 4. K.S.A. 25-3107 is hereby amended to read as follows: 25-  
11 3107. (a) At the time of commencement of any canvass by the county  
12 board of canvassers the county election officer shall present to the county  
13 board of canvassers the preliminary abstracts of election returns, together  
14 with the ballots and records returned by the election boards and, as  
15 provided by rules and regulations adopted by the secretary of state as  
16 authorized by K.S.A. 25-1132(b), and amendments thereto, advance voting  
17 ballots received after the closing of the polls pursuant to K.S.A. 25-  
18 1132(b), and amendments thereto. The county board of canvassers shall  
19 inspect and check the records presented by the county election officer and  
20 shall hear any questions which the county election officer believes  
21 appropriate for determination of the board. The county board of canvassers  
22 shall do what is necessary to obtain an accurate and just canvass of the  
23 election and shall finalize the preliminary abstract of election returns by  
24 making any needed changes, and certifying its authenticity and accuracy.  
25 The certification of the county board of canvassers shall be attested by the  
26 county election officer. Neither the county board of canvassers nor the  
27 county election officer shall open or unseal sacks or envelopes of ballots,  
28 except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and  
29 amendments thereto, or other specific provision of law or as is authorized  
30 to carry out a recount under subsection (b), or as authorized under  
31 subsection (e).

32 (b) If a majority of the members of the county board of canvassers  
33 shall determine that there are manifest errors appearing on the face of the  
34 poll books of any election board, which might make a difference in the  
35 result of any election, or if any candidate shall request the recount of the  
36 ballots cast in all or in only specified voting areas for the office for which  
37 the person is a candidate, or if any registered elector who cast a ballot in a  
38 question submitted election requests a recount in all or only specified  
39 voting areas to determine the result of the election, the county board of  
40 canvassers shall cause a special election board appointed by the county  
41 election officer to meet under the supervision of the county election officer  
42 and recount the ballots with respect to any office or question submitted  
43 specified by the county board of canvassers or requested by the candidate

1 or elector. If a recount is required in a county that uses optical scanning  
2 systems as defined in K.S.A. 25-4601 et seq., and amendments thereto, or  
3 electronic or electromechanical voting systems, as defined in K.S.A. 25-  
4 4401, and amendments thereto, the method of conducting the recount shall  
5 be at the discretion of the person requesting the recount. The county  
6 election officer shall not be a member of the special election board. Before  
7 the special election board meets to recount the ballots upon a properly  
8 filed request, the party who makes the request shall file with the county  
9 election officer a bond, with security to be approved by the county or  
10 district attorney, conditioned to pay all costs incurred by the county in  
11 making the recount. In the event that the candidate requesting the recount  
12 is declared the winner of the election as a result of the recount, or if as a  
13 result of the recount a question submitted is overturned, no action shall be  
14 taken on the person's bond and the county shall bear the costs incurred for  
15 the recount. Any recount must be requested in writing and filed with the  
16 county election officer not later than 5 p.m. on the day following the  
17 meeting of the county board of canvassers. The request shall specify which  
18 voting areas are to be recounted. The county election officer shall  
19 immediately notify any candidate involved in the election for which the  
20 recount is requested, or shall notify the county chairperson of each  
21 candidate's party. Any ~~the~~ recount shall be initiated not later than the  
22 following day and shall be completed not later than 5 p.m. on the fifth day  
23 following the filing of the request for a recount, including Saturdays,  
24 Sundays and holidays. Upon completion of any recount under this  
25 subsection, the election board shall package and reseal the ballots as  
26 provided by law and the county board of canvassers shall complete its  
27 canvass. The members of the special election board shall be paid as  
28 prescribed in K.S.A. 25-2811, and amendments thereto, for time actually  
29 spent making the recount.

30 (c) (1) The provisions of this subsection shall apply to candidates at  
31 any election for:

- 32 (A) Any state or national office elected on a statewide basis;
- 33 (B) the office of president or vice president of the United States;
- 34 (C) the office of members of *the* United States house of  
35 representatives;
- 36 (D) office of members of state senate or house of representatives  
37 whose district is located in two or more counties; and
- 38 (E) office of members of *the* state board of education.

39 (2) Any candidate may request a recount in one or more counties.  
40 Any such recount must be requested in writing and filed with the secretary  
41 of state not later than 5 p.m. on the second Friday following the election.  
42 The request shall specify which counties are to be recounted. If a recount  
43 is required in a county that uses optical scanning systems as defined in

1 K.S.A. 25-4601, and amendments thereto, or electronic or  
2 electromechanical voting systems, as defined in K.S.A. 25-4401, and  
3 amendments thereto, the method of conducting the recount shall be at the  
4 discretion of the person requesting the recount. Except as provided by this  
5 subsection and subsection (d), the person requesting the recount shall file  
6 with the secretary of state a bond, with security to be approved by the  
7 secretary of state, conditioned to pay all costs incurred by the counties and  
8 the secretary of state in making the recount. The amount of the bond shall  
9 be determined by the secretary of state. A candidate described in  
10 subsection (c)(1)(D) and (E) may post a bond as provided by subsection  
11 (b) in lieu of the bond required by this subsection. In the event that the  
12 candidate requesting the recount is declared the winner of the election as a  
13 result of the recount, no action shall be taken on the candidate's bond and  
14 the counties shall bear the costs incurred for the recount.

15 (3) The secretary of state immediately shall notify each county  
16 election officer affected by the recount and any candidate involved in the  
17 election for which the recount is requested. If the candidate cannot be  
18 reached, then the secretary of state shall notify the state chairperson of  
19 such candidate's party. Any such recount shall be conducted under the  
20 supervision of the county election officers at the direction of the secretary  
21 of state, and shall be initiated not later than the following day and shall be  
22 completed not later than 5 p.m. on the fifth day following the filing of the  
23 request for a recount, including Saturdays, Sundays and holidays. Each  
24 county election officer involved in the recount shall appoint a special  
25 election board to recount the ballots. The members of the special election  
26 board shall be paid as prescribed in K.S.A. 25-2811, and amendments  
27 thereto, for time actually spent making the recount. Upon completion of  
28 any recount under this subsection, the special election board in each  
29 county shall package and reseal the ballots as provided by law and the  
30 county board of canvassers shall complete its canvass. The county election  
31 officer in each county immediately shall certify the results of the recount  
32 to the secretary of state.

33 (d) (1) The provisions of this subsection shall apply to candidates at  
34 general elections for:

- 35 (A) Any state or national office elected on a statewide basis;  
36 (B) the office of president or vice president of the United States;  
37 (C) the office of members of *the* United States house of  
38 representatives;  
39 (D) office of members of state senate or house of representatives; and  
40 (E) office of members of *the* state board of education.

41 (2) Whenever the election returns reflect that a candidate for office  
42 was defeated by  $\frac{1}{2}$  of 1% or less of the total number of votes cast and if  
43 the candidate requests a recount in one or more counties of the ballots, the

1 state shall bear the cost of any recount performed using the method by  
2 which the ballots were counted originally.

3 (3) Not later than 60 days following a recount conducted pursuant to  
4 this subsection, the board of county commissioners of each county in  
5 which the recount occurred shall certify to the secretary of state the  
6 amount of all necessary direct expenses incurred by the county. Payment  
7 for such expenses shall be made to the county treasurer of the county upon  
8 warrants of the director of accounts and reports pursuant to vouchers  
9 approved by the secretary of state. Upon receipt of such payment and  
10 reimbursements, the county treasurer shall deposit the entire amount  
11 thereof in the county election fund, if there is one and if there is not then to  
12 the county general fund.

13 (4) The secretary of state, with the advice of the director of accounts  
14 and reports, shall determine the correctness of each amount certified under  
15 this section and adjust any discrepancies discovered before approving  
16 vouchers for payment to any county.

17 (e) Procedures for canvassing and challenging advance voting ballots  
18 received by mail after the closing of the polls pursuant to K.S.A. 25-  
19 1132(b), and amendments thereto, shall be as set forth in rules and  
20 regulations adopted by the secretary of state as authorized by K.S.A. 25-  
21 1132(b), and amendments thereto.

22 (f) *A special election board conducting a recount as provided by this*  
23 *section shall report the results of the recount promptly at the close of each*  
24 *day and upon completion of the recount to the secretary of state or the*  
25 *secretary's designee, and from time to time during the recount when*  
26 *requested by the secretary or secretary's designee, for the purpose of*  
27 *publication of the recount results on the secretary's website. Reports shall*  
28 *be made and transmitted in the form and manner as determined by the*  
29 *secretary of state. All vote counts or results reported shall be as agreed by*  
30 *all members of the special election board. Such reports shall not be*  
31 *considered in determining the official results or be considered as evidence*  
32 *in any proceeding challenging the results of any election or recount but*  
33 *shall be utilized solely for purposes of providing current information for*  
34 *the interest of the public. The secretary shall promptly publish the most*  
35 *current unofficial recount results and the unofficial completed recount*  
36 *results on the secretary's website by voting area or precinct, county and*  
37 *aggregate totals.*

38 Sec. 5. K.S.A. 2022 Supp. 25-4402 is hereby amended to read as  
39 follows: 25-4402. (a) *Except as provided in subsections (b) and (c) and*  
40 *subject to the limitations of article 44 of chapter 25 of Kansas Statutes*  
41 *Annotated and K.S.A. 2022 Supp. 25-2912, and amendments thereto, the*  
42 *board of county commissioners and the county election officer of any*  
43 *county are authorized to purchase, lease or rent and use electronic or*



1 electromechanical voting systems or electronic poll books as provided by  
2 K.S.A. 25-4403, and amendments thereto.

3 (b) *On and after January 1, 2024, no board of county commissioners*  
4 *or the county election officer of any county shall purchase, lease, rent or*  
5 *use any electronic poll books.*

6 (c) *On and after January 1, 2024, no board of county commissioners*  
7 *or the county election officer of any county shall purchase, lease, rent or*  
8 *use any electromechanical vote tabulating equipment.*

9 Sec. 6. K.S.A. 2022 Supp. 25-4403 is hereby amended to read as  
10 follows: 25-4403. (a) The board of county commissioners and the county  
11 election officer of any county may provide an electronic or  
12 electromechanical voting system or electronic poll books to be used at  
13 voting places, or for advance voting in the county at national, state, county,  
14 township, city and school primary and general elections and in question  
15 submitted elections. *Electronic or electromechanical voting systems or*  
16 *electronic poll books shall not be used on and after January 1, 2024.*

17 (b) The board of county commissioners of any county in which the  
18 board of county commissioners and county election officer have  
19 determined that an electronic or electromechanical voting system or  
20 electronic poll books shall be used may issue bonds to finance and pay for  
21 purchase, lease or rental of such a system. *Such bonds shall not be issued*  
22 *after the effective date of this act.*

23 (c) The board of county commissioners and the county election  
24 officer of any county may adopt, experiment with or abandon any  
25 electronic or electromechanical system or electronic poll books herein  
26 authorized and approved for use in the state and may use such a system in  
27 all or any part of the voting areas within the county or in combination with  
28 an optical scanning voting system or with regular paper ballots, *except that*  
29 *electronic poll books and electronic or electromechanical voting systems*  
30 *or tabulating equipment, including optical scanning equipment, shall not*  
31 *be used on and after January 1, 2024.* Whenever the secretary of state  
32 rescinds approval of any voting system or electronic poll books, the board  
33 of county commissioners and the county election officer shall abandon the  
34 system or electronic poll books until changes therein required by the  
35 secretary of state have been made, or if the secretary of state advises that  
36 acceptable changes cannot be made therein, the abandonment shall be  
37 permanent.

38 (d) On and after the effective date of this act, no board of county  
39 commissioners in any county may purchase, lease or rent any direct  
40 recording electronic system, as defined in K.S.A. 25-4401(d), and  
41 amendments thereto. On and after the effective date of this act, *and before*  
42 *January 1, 2024,* no board of county commissioners in any county may  
43 purchase, lease or rent any electronic or electromechanical voting system,

1 unless such system:

2 (1) Provides a paper record of each vote cast, produced at the time the  
3 vote is cast; and

4 (2) has the ability to be tested both before an election and prior to the  
5 date of canvass. Such test shall include the ability to match the paper  
6 record of the machine to the vote total contained in the machine.

7 (e) *On and after January 1, 2024, no board of county commissioners*  
8 *in any county or the county election officer of any county shall purchase,*  
9 *lease, rent or use any electronic or electromechanical voting system or any*  
10 *electromechanical vote tabulating equipment, including, but not limited to,*  
11 *optical scanning equipment. On and after January 1, 2024, only manual*  
12 *hand counting of ballots shall be permitted.*

13 (f) No component of an electronic or electromechanical voting system  
14 shall have the capability to be connected to the internet or to any other  
15 communications or computer network, including, but not limited to, a local  
16 area network, wireless network, cellular network or satellite network, or to  
17 use bluetooth or any other wireless communications technology.

18 ~~(g)~~(g) *On and after July 1, 2022, and before January 1, 2024, no*  
19 *board of county commissioners or the county election officer of any*  
20 *county may purchase, lease or rent any electronic poll books unless the*  
21 *kind or make of such poll books have been certified by the secretary of*  
22 *state. No electronic poll book may be operated unless its network*  
23 *connectivity meets the security standards established by the secretary of*  
24 *state. On and after January 1, 2024, no board of county commissioners or*  
25 *the county election officer of any county shall operate, purchase, lease,*  
26 *rent or use any electronic poll books.*

27 Sec. 7. K.S.A. 2022 Supp. 25-4404 is hereby amended to read as  
28 follows: 25-4404. (a) *Subject to the limitations of article 44 of chapter 25*  
29 *of Kansas Statutes Annotated and K.S.A. 2022 Supp. 25-2912, and*  
30 *amendments thereto, and this section, the secretary of state shall examine*  
31 *and approve the kinds or makes of electronic or electromechanical voting*  
32 *systems, including operating systems, firmware and software, and*  
33 *electronic poll books, and no kind or make of such system or electronic*  
34 *poll book shall be used at any election unless and until it receives*  
35 *certification by the secretary of state and a statement thereof is filed in the*  
36 *office of the secretary of state.*

37 (b) *Prior to certifying any system or electronic poll book as provided*  
38 *in paragraph (1) for use in an election occurring prior to January 1, 2024,*  
39 *the secretary of state shall cause the system or electronic poll book to be*  
40 *examined by a qualified, independent third party. The examination shall*  
41 *include inspection of the hardware, software, firmware and source code.*  
42 *Systems or electronic poll books offered or supplied by a vendor that*  
43 *declines to permit a complete examination shall not be certified by the*

1 *secretary of state and shall not be used.*

2 (c) *On and after January 1, 2024, electronic or electromechanical*  
3 *voting systems and electronic poll books shall not be used in any election.*

4 Sec. 8. K.S.A. 2022 Supp. 25-4405 is hereby amended to read as  
5 follows: 25-4405. (a) Any person, firm or corporation desiring to sell any  
6 kind or make of electronic or electromechanical voting system or  
7 electronic poll book to political subdivisions in Kansas ~~may~~ shall in  
8 writing request the secretary of state to examine the kind or make of the  
9 system which it desires to sell and shall accompany the request with a  
10 certified check in the sum of \$250 payable to the secretary of state to be  
11 used to defray a portion of the costs of such examination, and shall furnish  
12 at its own expense such system to the secretary of state for use in  
13 examining such system. The secretary of state ~~may~~ shall require such  
14 person, firm or corporation to furnish a competent person to explain the  
15 system or electronic poll book and demonstrate by the operation of such  
16 system or electronic poll book that it complies with any applicable state  
17 and federal laws and regulations. The secretary of state ~~may~~ shall employ  
18 ~~a~~ *an independent, qualified and* competent person or persons to assist in  
19 the examination and to advise the secretary as to the sufficiency of such  
20 voting system or electronic poll book and to pay such persons reasonable  
21 compensation therefor. The costs of employment and any other costs  
22 associated with the approval of such system shall be paid by the applicant.  
23 *The examination shall be conducted as provided in K.S.A. 25-4404, and*  
24 *amendments thereto. Electronic or electromechanical voting systems or*  
25 *electronic poll books not made available for a complete examination shall*  
26 *not be purchased or used.*

27 (b) The secretary of state ~~may~~ shall require a review of any  
28 theretofore approved electronic or electromechanical voting system or  
29 electronic poll book and the equipment and operation thereof. Such review  
30 shall be commenced by the secretary of state giving written notice thereof  
31 to the person, firm or corporation which sought approval of the voting  
32 system or electronic poll book and to each county election officer and  
33 county commissioner of counties known to have purchased, leased or  
34 rented any such voting system or electronic poll book or equipment  
35 thereof. Such notice shall fix a time and place of hearing at which those  
36 persons wishing to be heard may appear and give oral or written testimony  
37 and explanation of the voting system or electronic poll book, its equipment  
38 and operation and experience had therewith. *The electronic or*  
39 *electromechanical voting system or electronic poll book shall be examined*  
40 *as provided in K.S.A. 25-4404, and amendments thereto.* After such  
41 *complete* hearing date and after such review as the secretary of state deems  
42 appropriate, the secretary of state may renew approval of the voting  
43 system or electronic poll book, require changes therein for continued

1 approval thereof or rescind approval previously given on either a  
2 conditioned or permanent basis.

3 (c) The secretary of state may appoint persons to assist county  
4 election officers or county commissioners in the testing of any electronic  
5 or electromechanical voting system or electronic poll book and its  
6 equipment or the programs of such system or electronic poll book.

7 (d) *On and after January 1, 2024, electronic or electromechanical*  
8 *voting systems and electronic poll books shall not be used in any election.*

9 Sec. 9. K.S.A. 2022 Supp. 25-4407 is hereby amended to read as  
10 follows: 25-4407. (a) When a board of commissioners and county election  
11 officer have determined that such kind or make of electronic or  
12 electromechanical voting system or electronic poll book shall be used in a  
13 county, the board of county commissioners and the county election officer  
14 shall provide such number of units as shall be necessary to equip voting  
15 places for the use of voters.

16 (b) No tax shall be levied under this section, nor shall any moneys be  
17 paid from any fund under authority of this section for any contract to  
18 purchase, lease or rent any electronic or electromechanical voting system  
19 or equipment thereof or electronic poll books, if approval of such voting  
20 system or equipment or kind or make of electronic poll book has been  
21 rescinded by the secretary of state.

22 (c) The secretary of state may purchase, rent or lease voting  
23 equipment ~~only~~ for the purpose of providing such equipment to counties  
24 ~~pursuant to the provisions of the help America vote act of 2002 as deemed~~  
25 *necessary by the secretary. On and after January 1, 2024, electronic or*  
26 *electromechanical voting systems and electronic poll books shall not be*  
27 *used.*

28 Sec. 10. K.S.A. 2022 Supp. 25-4408 is hereby amended to read as  
29 follows: 25-4408. The board of county commissioners shall provide for the  
30 storage of electronic or electromechanical voting systems and electronic  
31 poll books. The county election officer shall be in complete charge of the  
32 voting systems and electronic poll books, their safekeeping when not in  
33 use and keeping them in repair and working order and shall see that they  
34 are delivered to the voting places in time for all arrangements to be made  
35 and for the voting systems and electronic poll books to be ready for use at  
36 the hour of opening the polls. After the election the county election officer  
37 shall see that the voting systems and electronic poll books are returned to  
38 the place of storage, or are secured for on-site storage. *On and after*  
39 *January 1, 2024, electronic or electromechanical voting systems and*  
40 *electronic poll books shall not be used.*

41 Sec. 11. K.S.A. 2022 Supp. 25-4411 is hereby amended to read as  
42 follows: 25-4411. (a) The vote tabulation equipment may be located at any  
43 place within the county approved by the county election officer.

1 (b) Within five days prior to the date of the election, the county  
2 election officer shall have the automatic tabulating equipment tested to  
3 ascertain that the equipment will correctly count the votes cast for all  
4 offices and on all questions submitted. Public notice of the time and place  
5 of the test shall be given at least 48 hours prior thereto by publication once  
6 in a newspaper of general circulation in the county or city where such  
7 equipment is to be used and on the county website, if the county has a  
8 website. The test shall be open to representatives of the political parties,  
9 candidates, the press and the public. The test shall be conducted by  
10 processing a preaudited group of ballots marked to record a predetermined  
11 number of valid votes for each candidate and on each measure, and shall  
12 include for each office one or more ballots which have votes in excess of  
13 the number allowed by law in order to test the ability of the automatic  
14 tabulating equipment to reject such votes. If any error is detected, the  
15 cause therefor shall be ascertained and corrected and an errorless count  
16 shall be made before the automatic tabulating equipment is approved. The  
17 test shall be repeated within five business days after the completion of the  
18 canvass. The equipment, programs and ballots shall be secured and  
19 retained by the county election officer.

20 (c) *On and after January 1, 2024, electromechanical vote tabulation*  
21 *equipment shall not be used for the counting of votes. Only manual hand*  
22 *counting shall be used for the counting of the votes cast for all offices and*  
23 *on all questions submitted.*

24 Sec. 12. K.S.A. 2022 Supp. 25-4414 is hereby amended to read as  
25 follows: 25-4414. Electronic or electromechanical voting system or  
26 electronic poll book fraud is, *if occurring prior to January 1, 2024:*

27 (a) Being in unlawful or unauthorized possession of electronic or  
28 electromechanical voting system equipment, electronic poll book  
29 equipment, computer programs, operating systems, firmware, software or  
30 ballots; or

31 (b) intentionally tampering with, altering, disarranging, defacing,  
32 impairing or destroying any electronic or electromechanical voting system,  
33 electronic poll book or component part thereof, or any ballot used by such  
34 electronic or electromechanical voting systems.

35 Electronic or electromechanical voting system or electronic poll book  
36 fraud is a severity level 9, nonperson felony.

37 Sec. 13. K.S.A. 2022 Supp. 25-4415 is hereby amended to read as  
38 follows: 25-4415. The secretary of state may adopt rules and regulations:

39 (a) For the use of electronic and electromechanical voting systems  
40 *prior to January 1, 2024*, to count votes under the election laws of this  
41 state;

42 (b) for the use of electronic poll books *prior to January 1, 2024*, to  
43 process voters at polling places; and

1 (c) necessary for the administration of this act.

2 Sec. 14. K.S.A. 2022 Supp. 25-4610 is hereby amended to read as  
3 follows: 25-4610. (a) The optical scanning equipment may be located at  
4 any place within the county approved by the county election officer.

5 (b) Within five days prior to the date of the election, the county  
6 election officer shall have the optical scanning equipment tested to  
7 ascertain that the equipment will correctly count the votes cast for all  
8 offices and on all questions submitted. Public notice of the time and place  
9 of the test shall be given at least 48 hours prior thereto by publication once  
10 in a newspaper of general circulation in the county where such equipment  
11 is to be used and on the county website, if the county has a website. The  
12 test shall be open to representatives of the political parties, candidates, the  
13 press and the public. The test shall be conducted by processing a  
14 preaudited group of ballots marked as to record a predetermined number of  
15 valid votes for each candidate and on each question submitted, and shall  
16 include for each office one or more ballots which have votes in excess of  
17 the number allowed by law in order to test the ability of the optical  
18 scanning equipment to reject such votes. If any error is detected, the cause  
19 therefor shall be ascertained and corrected and an errorless count shall be  
20 made before the optical scanning equipment is approved. The test shall be  
21 repeated within five business days after the completion of the canvass. The  
22 programs and ballots shall be sealed, retained and disposed of in the same  
23 manner as paper ballots.

24 (c) *On and after January 1, 2024, optical scanning equipment shall*  
25 *not be used for the counting of votes. Only manual hand counting shall be*  
26 *used to count the votes cast for all offices and on all questions submitted.*

27 Sec. 15. K.S.A. 2022 Supp. 25-4613 is hereby amended to read as  
28 follows: 25-4613. *On and after January 1, 2024, optical scanning*  
29 *equipment shall not be used for the counting of votes. Only manual hand*  
30 *counting shall be used to count the votes cast for all offices and on all*  
31 *questions submitted. Prior to January 1, 2024, optical scanning equipment*  
32 *and systems using optical scanning equipment approved by the secretary*  
33 *of state:*

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

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

40 (c) shall be capable of tabulating votes for candidates for nomination  
41 or election of all political parties officially recognized pursuant to K.S.A.  
42 25-302a, and amendments thereto;

43 (d) shall be capable of tabulating votes for any independent candidate

1 of any office;

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

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

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

9 (h) shall provide notification when the voter has cast more votes for  
10 such office or upon such question than the voter is entitled to cast; *and*

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

13 (j) shall not have the capability nor shall any component of an optical  
14 scanning system have the capability to be connected to the internet or to  
15 any other communications or computer network, including, but not limited to,  
16 a local area network, wireless network, cellular network or satellite  
17 network, or to use bluetooth or any other wireless communications  
18 technology.

19 Sec. 16. K.S.A. 25-3001, 25-3006 and 25-3107 and K.S.A. 2022  
20 Supp. 25-2912, 25-4402, 25-4403, 25-4404, 25-4405, 25-4407, 25-4408,  
21 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 are hereby repealed.

22 Sec. 17. This act shall take effect and be in force from and after its  
23 publication in the statute book.