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LEGISLATURE *of* THE STATE *of* KANSAS
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MEMORANDUM

To: Chairman Olson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 10, 2022

Subject: SB 389 – Use of paper ballots required for all elections.

Senate Bill No. 389 (SB 389) would create new election law requiring the use of individual, durable, voter-verified paper ballots with a distinctive watermark for all elections. The ballot would be: (1) Marked by hand or by use of a marking or printing device or system; (2) subject to inspection and verification by the voter before cast and counted; and (3) canvassed by hand or by vote-tabulating equipment.

All paper ballots would be preserved and constitute the official ballot for all audit and recount purposes. Any recount would be required to be conducted by hand count unless the requestor elects not to have a recount conducted by hand count. During any recount any inconsistencies in vote tallies will be resolved with the paper ballot being deemed the true and correct record of the vote cast.

If paper ballots are tabulated by machine, then a hand-count audit of a sample of the ballots must be conducted in accordance with rules and regulations adopted by the Secretary.

The bill also prohibits the use of any poll books that do not require a hand-written signature.

If enacted, SB 389 would become effective on July 1, 2022.