

HOUSE BILL No. 2808

By Committee on Governmental Organization and Elections

2-2

9 AN ACT concerning elections; relating to paper verification of votes cast
10 on electronic voting machines; amending K.S.A. 25-1308 and 25-1310
11 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 25-1308 is hereby amended to read as follows: 25-
15 1308. (a) The secretary of state shall examine and approve the kinds or
16 makes of voting machines, and no kind or make of voting machine shall
17 be used at any election where voting machines are authorized to be used
18 unless and until it shall have been approved by the secretary of state and
19 a statement thereof is filed in the office of the secretary of state.

20 (b) (1) *No electronic or computerized voting machine shall be ap-*
21 *proved for use in this state unless such electronic voting machine provides*
22 *for a paper record of each electronically generated ballot that can be:*

23 (A) *Reviewed and corrected by the voter at the time the vote is cast;*
24 *and*

25 (B) *used for a recount of the votes cast at an election in which elec-*
26 *tronically generated ballots are used.*

27 (2) (A) *On and after January 1, 2007, no direct recording voting*
28 *system shall be used in this state unless such voting system has an acces-*
29 *sible voter verified paper audit trail.*

30 (B) *For the purposes of this provision, "accessible voter verified paper*
31 *audit trail" means a component of a direct recording electronic voting*
32 *system that prints a contemporaneous paper record copy of each elec-*
33 *tronic ballot and allows each voter to confirm such voter's selections before*
34 *the voter casts such voters ballot.*

35 Sec. 2. K.S.A. 25-1310 is hereby amended to read as follows: 25-
36 1310. (a) A kind or make of voting machine approved by the secretary of
37 state:

38 (1) Must be so constructed as to provide facilities for voting for the
39 candidates for nomination or election of at least seven different political
40 parties or organizations;

41 (2) must permit a voter to vote for any person for any office although
42 not nominated as a candidate by any political party or organization;

43 (3) must provide for voting on constitutional amendments, proposi-

1 tions or questions;

2 (4) must be so constructed that as to primaries where candidates are
3 nominated by political parties it can be so locked from the outside that
4 the voter can vote only for the candidates of the political party with which
5 such voter is affiliated or, if not affiliated, according to such voter's dec-
6 laration when applying to vote;

7 (5) must be so constructed as to prevent voting for more than one
8 person for the same office except where the voter is lawfully entitled to
9 vote for more than one person for that office;

10 (6) must afford the voter an opportunity to vote for any or all persons
11 for an office as such voter is by law entitled to vote for and no more, and
12 at the same time preventing such voter from voting for the same person
13 twice for the same office;

14 (7) must be so constructed that in presidential elections the presi-
15 dential electors of any political party for presidential and vice-presidential
16 candidates may be voted upon at the same time;

17 (8) must provide facilities for "write-in" votes;

18 (9) must provide for voting in absolute secrecy in voting, except as to
19 persons entitled to assistance;

20 (10) must be so constructed as to accurately account for every vote
21 cast upon it;

22 (11) be provided with a "protective counter" or "protective device"
23 whereby any operation of the machine before or after the election will
24 be detected;

25 (12) be provided with a counter which will show at all times during
26 the election how many persons have voted; and

27 (13) be provided with a mechanical model illustrating the manner of
28 voting on the machine, suitable for the instruction of voters.

29 Voting machines approved by the state executive council shall continue
30 on the approved list of voting machines.

31 (b) *In addition to the requirements of subsection (a), each electronic*
32 *or computerized voting machine approved by the secretary of state shall*
33 *meet the requirements of subsection (b) of K.S.A. 25-1308, and amend-*
34 *ments thereto.*

35 New Sec. 3. (a) The secretary of state shall expend any moneys for
36 the initial purchase, upgrade, retrofit or equipping of any direct recording
37 voting system, or any equipment related thereto, unless such voting sys-
38 tem includes, or is equipped with, an accessible voter verified paper audit
39 trail.

40 (b) As used in this section, "accessible voter verified paper audit trail"
41 shall have the meaning ascribed thereto by K.S.A. 25-1308, and amend-
42 ments thereto.

43 Sec. 4. K.S.A. 25-1308 and 25-1310 are hereby repealed.

1 Sec. 5. This act shall take effect and be in force from and after its
2 publication in the statute book.