

HOUSE BILL No. 2259

By Representatives Holland, Ballard, Crow, Davis, Faust-Goudeau,
Feuerborn, Flaharty, Garcia, Hawk, Mah, McKinney, McLachlan,
Sawyer, Swenson, Treaster and Trimmer

1-26

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

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

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

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

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

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

29 (2) (A) *On and after January 1, 2008, no direct recording voting*
30 *system shall be used in this state unless such voting system has an acces-*
31 *sible voter verified paper audit trail.*

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

37 Sec. 2. K.S.A. 25-1310 is hereby amended to read as follows: 25-
38 1310. (a) A kind or make of voting machine approved by the secretary of
39 state:

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

43 (2) must permit a voter to vote for any person for any office although

- 1 not nominated as a candidate by any political party or organization;
- 2 (3) must provide for voting on constitutional amendments, proposi-
- 3 tions or questions;
- 4 (4) must be so constructed that as to primaries where candidates are
- 5 nominated by political parties it can be so locked from the outside that
- 6 the voter can vote only for the candidates of the political party with which
- 7 such voter is affiliated or, if not affiliated, according to such voter's dec-
- 8 laration when applying to vote;
- 9 (5) must be so constructed as to prevent voting for more than one
- 10 person for the same office except where the voter is lawfully entitled to
- 11 vote for more than one person for that office;
- 12 (6) must afford the voter an opportunity to vote for any or all persons
- 13 for an office as such voter is by law entitled to vote for and no more, and
- 14 at the same time preventing such voter from voting for the same person
- 15 twice for the same office;
- 16 (7) must be so constructed that in presidential elections the presi-
- 17 dential electors of any political party for presidential and vice-presidential
- 18 candidates may be voted upon at the same time;
- 19 (8) must provide facilities for "write-in" votes;
- 20 (9) must provide for voting in absolute secrecy in voting, except as to
- 21 persons entitled to assistance;
- 22 (10) must be so constructed as to accurately account for every vote
- 23 cast upon it;
- 24 (11) be provided with a "protective counter" or "protective device"
- 25 whereby any operation of the machine before or after the election will
- 26 be detected;
- 27 (12) be provided with a counter which will show at all times during
- 28 the election how many persons have voted; and
- 29 (13) be provided with a mechanical model illustrating the manner of
- 30 voting on the machine, suitable for the instruction of voters.
- 31 Voting machines approved by the state executive council shall continue
- 32 on the approved list of voting machines.
- 33 (b) *In addition to the requirements of subsection (a), each electronic*
- 34 *or computerized voting machine approved by the secretary of state shall*
- 35 *meet the requirements of subsection (b) of K.S.A. 25-1308, and amend-*
- 36 *ments thereto.*
- 37 New Sec. 3. No funds received by the secretary of state from any
- 38 source whatsoever shall be used for the initial purchase, upgrade, retrofit
- 39 or equipping of any direct recording voting system, or any equipment
- 40 related thereto, unless such voting system includes or is equipped with
- 41 an accessible voter verified paper audit trail as such term is defined in
- 42 K.S.A. 25-1308, and amendments 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.