

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 132

As Amended by House Committee on
Governmental Organization and Elections

Brief*

SB 132 would update statutes governing the requirements and certification of optical scanning voting systems.

The bill would:

- ! Delete a provision authorizing a county's voters to petition and vote on whether to adopt a system using optical scanning equipment in the county. Elimination of this provision would leave the decision to the board of county commissioners and the county election officer.
- ! Authorize the board of county commissioners and the county election officer to use an optical scanning system in combination with an electronic or electromechanical voting system. Current law, which is maintained by the bill, permits the combination of optical scanning equipment with paper ballots in a single county.
- ! Clarify language prescribing the process for instructing voters on how to mark an optical scan ballot.
- ! Revise and update language addressing the public testing of voting equipment before and after each election.
- ! Require the supervising judge to either ensure that the number of ballots equals the number of voters shown on the poll book or to report in writing a discrepancy to the county election officer. (Current law requires an election judge to ensure the number of

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

ballots does not exceed the number of voters shown or report excess numbers to the county election officer.)

- ! Update language regarding the crime of optical scanning equipment fraud.
- ! Require that optical scanning equipment and related systems approved by the Secretary of State: (a) provide notification when the voter has cast more or fewer votes than authorized, and (b) meet the requirements of the federal Help America Vote Act of 2002 (HAVA) and other related federal laws and regulations.
- ! Make additional updates and clarifying changes.

The House Committee deleted the provision which would have required notice when a voter casts fewer votes than authorized on the ballot. Other amendments were technical.

Background

A representative of the Secretary of State testified in favor of SB 132. The conferee stated the bill's purpose was to bring state laws governing the requirements and certification of optical scanning voting systems up to date and into compliance with HAVA.

The Senate Committee on Elections and Local Government amended the bill to:

- ! Retain current law limiting to ten years optical scanning equipment contracts for payment by installment, leases, rental agreements, and lease with option to purchase.
- ! Retain current law prohibiting the counting of votes when a voter has cast too many votes for an office or question.
- ! Clarify with which federal laws optical scanning systems, approved by the Secretary of State, must comply.

The House Committee amendment was requested by the Secretary of State and Office and election officers from Shawnee,

Wyandotte and Lynn counties since many voters do not vote on every issue or candidate.

The fiscal note stated that passage of the bill would not affect state expenditures or revenues. The Secretary of State already reviews and certifies voting equipment, though the associated procedures would change.