

**SCOTT SCHWAB**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564  
sos.kansas.gov

## STATE OF KANSAS

### **Testimony: KAR 7-48-1**

Joint Committee on Administrative Rules and Regulations  
Friday, January 8, 2021

Chairwoman Tyson and members of the Committee:

In 2019, the Kansas legislature, through SB130, amended statute to permit county election officials to operate what are colloquially known as “vote centers” during elections. Under the traditional precinct model, each registered voter is assigned one polling place in a county based on their residence, as indicated on their voter registration. The vote center model changes that historical practice and allows a registered voter to vote at any polling place in his or her county.

Currently, 17 states have laws permitting vote centers in some form.<sup>1</sup> Unlike other state laws, Kansas did not outline the requirements for vote centers. Instead, the legislation provided counties the discretion to decide whether to use vote centers, in what form and only on the condition that counties follow regulations issued by the Kansas Secretary of State.

In drafting KAR 7-48-1, the Secretary of State formed a working group to help promulgate the rules and regulations required for securely implementing vote centers in Kansas.<sup>2</sup> This working group consisted of Kansas election officers, county clerks, election experts and security specialists. As part of the process, other state laws, particularly those of California and Arkansas, were reviewed in drafting KAR 7-48-1.

Among the key considerations of the working group was election technology which is consistently a key target for third parties wishing to interfere in elections. To implement the vote center provisions, counties need to use electronic pollbooks reliant on wireless networks to capture voter activity and communicate to other pollbooks in real time across the county. A portion of the rules and regulations before you today ensure secure wireless sources for electronic pollbooks exist at each vote center location. Priority was placed on establishing thorough and comprehensive oversight to make sure networks are protected and pollbooks are not subject to compromise.

KAR 7-48-1 sets a framework for a county to follow if a county election official wants to implement vote centers in their respective jurisdiction. Care was given to ensure the regulations are fair, articulate, and achievable for local election officials who administer elections in Kansas. Under KAR 7-48-1 there are four primary components to prepare counties and the Kansas electorate for the new election experience offered with vote centers.

First, the regulation sets a timeframe and conditions that a county must meet to utilize vote centers. The plan must (1) specify the numbers of vote centers, (2) certify that vote centers meet certain requirements required by state and federal law, such as ADA compliance, and (3) provide that the vote centers and equipment will meet security and functionality requirements to prevent double voting, account for potential disruptions, and plan for high volumes of voters.

---

<sup>1</sup> National Conference of State Legislatures (NCSL) - <https://www.ncsl.org/research/elections-and-campaigns/vote-centers.aspx>

<sup>2</sup> Schwab Announces Vote Center Working Group (08.01.2019) - <https://sos.ks.gov/media-center/media-releases/2019/schwab-announces-vote-center-working-group.html>

Second, KAR 7-48-1 includes a public outreach requirement. Not only will vote centers be a new experience for election officials, they will also be a new experience for voters. The regulation required an outreach plan to alert and educate voters of this systematic change to election administration.

Third, KAR 7-48-1 requires a post-election action plan where counties who implement vote centers review the election and consider what changes, if any, may be required for future elections.

Finally, KAR 7-48-1 provides a mechanism for counties to return to the current, traditional, precinct model if the county election official chooses to do so. Should a county implement voting centers but later determine it is no longer the appropriate fit for the county, KAR 7-48-1 outlines the process for counties to transition back to the precinct model.

KAR 7-48-1 was drafted to empower counties with a framework to securely implement vote centers and guarantee voters are informed of changes to their voting experience. The promulgation of the regulations before you were thoughtfully crafted to limit the impact of these changes to election security, local election officials and the Kansas electorate. Moving forward, our office looks forward to working with the jurisdictions who choose to implement vote centers to ensure we continue to achieve our shared goal of executing reliable, safe and transparent elections throughout the State of Kansas.

Respectfully Submitted,

Garrett Roe  
General Counsel for the Kansas Secretary of State  
785.296.8473 | [Garrett.Roe@ks.gov](mailto:Garrett.Roe@ks.gov)