

(B)

SENATE BILL No. 351

By Committee on Federal and State Affairs

1-19

Proposed Amendments to Senate Bill 351  
Senate Committee on Federal and State Affairs  
Prepared by: Jason Long  
Office of Revisor of Statutes

1 AN ACT concerning elections; relating to defining and using electronic  
2 poll books; approval of electronic poll books by the secretary of state;  
3 granting the secretary of state authority to adopt rules and regulations  
4 governing their use; prohibiting election systems from having the  
5 capability of being connected to the internet or other computer or  
6 communications networks; requiring ~~election judges~~ to ensure such  
7 systems are not so connected; providing that post-election equipment  
8 testing must occur within five days of the county vote canvass and that  
9 notice of such testing be provided on county websites; expanding the  
10 crime of electronic or electromechanical voting system fraud to include  
11 fraudulent use of or unauthorized possession of electronic poll books;  
12 amending K.S.A. 25-4401, 25-4402, 25-4403, 25-4404, 25-4405, 25-  
13 4406, 25-4407, 25-4408, 25-4409, 25-4411, 25-4414, 25-4415, 25-4610  
14 and 25-4613 and repealing the existing sections.  
15

that candidates be allowed to  
review such systems

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

17 Section 1. K.S.A. 25-4401 is hereby amended to read as follows: 25-  
18 4401. As used in this act unless the context otherwise requires:

19 (a) "Ballot" may include an electronic display or printed document  
20 containing the offices and questions on which voters in a specified voting  
21 area are eligible to vote.

22 (b) "Counting location" means the location in the county selected by  
23 the county election officer for the counting of ballots.

24 (c) "Electronic or electromechanical voting system" means a system  
25 of casting votes and tabulating ballots employing automatic tabulating  
26 equipment or data processing equipment including a direct recording  
27 electronic system.

28 (d) "Direct recording electronic system" means a system that records  
29 votes by means of a ballot display provided with mechanical or electro-  
30 optical components that can be activated by the voter, that processes data  
31 by means of a computer program, that records voting data and ballot  
32 images in memory components, that produces a tabulation of the voting  
33 data stored in a removable memory component and as printed copy, and  
34 that may also provide a means for transmitting individual ballots or vote  
35 totals to a central location for consolidating and reporting results from  
36 precincts at the central location.

1 The county election officer shall be in complete charge of the voting  
 2 systems and electronic poll books, their safekeeping when not in use and  
 3 keeping them in repair and working order and shall see that they are  
 4 delivered to the voting places in time for all arrangements to be made and  
 5 for the voting systems and electronic poll books to be ready for use at the  
 6 hour of opening the polls. After the election the county election officer  
 7 shall see that the voting systems and electronic poll books are returned to  
 8 the place of storage, or are secured for on-site storage.

9 Sec. 9. K.S.A. 25-4409 is hereby amended to read as follows: 25-  
 10 4409. (a) The ballot information, shall, as far as practicable, be in the order  
 11 of arrangement provided for paper ballots except that such information  
 12 may be in vertical or horizontal rows, or in a number of separate pages.  
 13 Voting squares or ovals may be before or after the names of candidates and  
 14 statements of questions, and shall be of such size as is compatible with the  
 15 type of system used. Ballot information shall be displayed in as plain clear  
 16 type and size as the ballot spaces will reasonably permit. Where candidate  
 17 rotation is used, the voting equipment shall be capable of meeting the  
 18 requirements otherwise provided in law.

19 (b) Before the opening of the polls the election judges shall compare  
 20 the ballots with the sample ballots furnished, and see that the ballot  
 21 information thereon agrees and shall certify thereto on forms provided for  
 22 this purpose. The certification shall be filed with the election returns.

23 (c) Before, during and after the operation of the polling place, the  
 24 election judges shall ~~ensure that no component of the electronic or~~  
 25 ~~electromechanical voting system is connected to the internet or to any~~  
 26 ~~other communications or computer network, including but not limited to,~~  
 27 ~~a local area network, wireless network, cellular network or satellite~~  
 28 ~~network, or using bluetooth or any other wireless communications~~  
 29 ~~technology.~~

30 Sec. 10. K.S.A. 25-4411 is hereby amended to read as follows: 25-  
 31 4411. (a) The vote tabulation equipment may be located at any place  
 32 within the county approved by the county election officer.

33 (b) Within five days prior to the date of the election, the county  
 34 election officer shall have the automatic tabulating equipment tested to  
 35 ascertain that the equipment will correctly count the votes cast for all  
 36 offices and on all questions submitted. Public notice of the time and place  
 37 of the test shall be given at least 48 hours prior thereto by publication once  
 38 in a newspaper of general circulation in the county or city where such  
 39 equipment is to be used and on the county website, if the county has a  
 40 website. The test shall be open to representatives of the political parties,  
 41 candidates, the press and the public. The test shall be conducted by  
 42 processing a preaudited group of ballots marked to record a predetermined  
 43 number of valid votes for each candidate and on each measure, and shall

make all poll books,

systems and vote tabulating equipment  
 available to any candidate or any authorized  
 poll agent for review to ensure there is no  
 connectivity