

**SENATE BILL No. 389**

By Senator Hilderbrand

1-25

1 AN ACT concerning elections; relating to voting systems and procedures;  
2 requiring voter-verified paper ballots with a distinctive watermark.

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

5 Section 1. (a) (1) (A) All voting systems used for elections in this  
6 state shall require the use of an individual, durable, voter-verified paper  
7 ballot with a distinctive watermark established by the secretary of state.

8 The voter's ballot shall be:

9 (i) Marked by the voter, or by a person assisting the voter as  
10 otherwise permitted by law, either by hand or by use of a voting machine  
11 that is a non-tabulating paper ballot marking or printing device or system  
12 that may be electromechanical or electronic;

13 (ii) made available to the voter for inspection and verification by the  
14 voter after the voter has marked the ballot but before the voter's vote is  
15 cast and counted, that may be spoiled by the voter if it fails to reflect the  
16 voter's choices and that permits the voter to cast a new paper ballot; and

17 (iii) canvassed by hand or read and tabulated by vote-tabulating  
18 equipment consisting of optical scanning equipment or other counting  
19 equipment that counts and tabulates paper ballots.

20 If the paper ballots are read and tabulated by vote-tabulating equipment  
21 consisting of optical scanning equipment or other counting equipment that  
22 counts and tabulates paper ballots, a sample hand-counted audit of the  
23 paper ballots cast shall be conducted by each precinct as provided in  
24 subsection (b).

25 (B) The voting system shall provide the voter with an opportunity to  
26 correct any error on the paper ballot before the paper ballot is secured and  
27 preserved.

28 (3) The voting system shall not preserve the paper ballots in any  
29 manner that makes it possible, at any time after the ballot has been cast, to  
30 associate a voter with the record of the voter's vote without the voter's  
31 consent.

32 (4) The paper ballot shall constitute the official ballot and shall be  
33 preserved and used as the official ballot suitable for purposes of any audit  
34 or recount conducted with respect to any election in which the voting  
35 system is used. Each paper ballot shall be counted by hand in any recount  
36 conducted with respect to any election, unless the requestor of a recount

1 pursuant to K.S.A. 25-3107, and amendments thereto, elects not to have  
2 the ballots counted by hand.

3 (5) In the event of any inconsistencies or irregularities between any  
4 electronic vote tallies and the vote tallies determined by counting by hand  
5 the paper ballots cast, the paper ballots as counted by hand shall be the true  
6 and correct record of the votes cast.

7 (b) If paper ballots are read and tabulated by vote-tabulating  
8 equipment consisting of optical scanning equipment or other counting  
9 equipment that counts and tabulates paper ballots, a sample hand-counted  
10 audit of the paper ballots cast shall be conducted at the voting place or  
11 counting place by the election board. The audit shall consist of  
12 examination of voter markings on randomly selected paper ballots and  
13 comparison of the results to the voting system's tabulation as reflected in  
14 the corresponding cast vote records, in accordance with rules and  
15 regulations and audit specifications and parameters to be adopted by the  
16 secretary of state. The results of such audit shall be reported to the county  
17 election officer, the canvassing board and the secretary of state.

18 (c) The use of poll books not requiring a hand-written signature shall  
19 be prohibited.

20 (d) The secretary of state shall adopt rules and regulations to  
21 implement the provisions of this section.

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