

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 **held on or after January 1, 2024**, shall require the use of an
7 individual, durable, voter-verified paper ballot with a distinctive
8 watermark established by the secretary of state. 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) *For any election held on or after January 1, 2024*, if paper
8 ballots are read and tabulated by vote-tabulating equipment consisting of
9 optical scanning equipment or other counting equipment that counts and
10 tabulates paper ballots, a sample hand-counted audit of the paper ballots
11 cast shall be conducted at the voting place or counting place by the
12 election board. The audit shall consist of examination of voter markings on
13 randomly selected paper ballots and comparison of the results to the voting
14 system's tabulation as reflected in the corresponding cast vote records, in
15 accordance with rules and regulations and audit specifications and
16 parameters to be adopted by the secretary of state. The results of such audit
17 shall be reported to the county election officer, the canvassing board and
18 the secretary of state.

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

21 (d) *On or before January 1, 2023*, the secretary of state shall adopt
22 rules and regulations to implement the provisions of this section.

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