

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2086

By Committee on Elections

1-19

Proposed Amendments to
House Bill No. 2086
(As Amended by House Committee of the Whole)
Senate Committee on Federal and State Affairs
"Hard Drives"
Prepared by: Jason Long
Office of Revisor of Statutes

1 AN ACT concerning elections; relating to election procedures; clarifying
2 duties and qualifications of certain election officials; redefining certain
3 election crimes; amending K.S.A. 10-120, 15-809, 19-303, 19-804, 19-
4 3419, 19-3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-
5 213, 25-303, 25-305, 25-308, 25-321, 25-432, 25-433, 25-604, 25-610,
6 25-901, **25-1115**, 25-1122, 25-1214, 25-1903, 25-2005, 25-2008, 25-
7 2018, 25-2021, 25-21a02, 25-2310, **25-2502**, 25-2507, 25-26a03, 25-
8 2702, 25-2703, 25-2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-
9 2905, 25-3002, 25-3005, 25-3005a, 25-3104, 25-3107, 25-3201, 25-
10 3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-
11 4322, 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp.
12 19-3424, 25-3009 and 25-4414 and repealing the existing sections; also
13 repealing K.S.A. 25-222, 25-305b, 25-1709, 25-1710, 25-2601, 25-
14 4502, 25-4503, 25-4505, 25-4506, 25-4507 and 25-4508.

15

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

17 New Section 1. (a) The secretary of state shall oversee the conduct of
18 statewide elections in this state as the chief election officer and shall be
19 responsible for assisting and advising county election officers in
20 conducting elections in compliance with federal and state laws and rules
21 and regulations.

22 (b) Each county election officer shall be the sole public officer
23 responsible for planning, conducting and coordinating elections held
24 within such officer's county. Such officer shall be responsible for ensuring
25 that all such elections comply with federal and state law and rules and
26 regulations.

27 New Sec. 2. No person shall serve as a county election officer if such
28 person has been convicted of any crime described in chapter 25 of the
29 Kansas Statutes Annotated, and amendments thereto, or of any crime in
30 any other jurisdiction that is substantially the same as any such crime.

31 New Sec. 3. No county election office or any employee or agent
32 thereof shall create, or permit any other person to create, or disclose to any
33 person an image of the hard drive of any electronic or electromechanical
34 voting system, optical scanning equipment or any other voting system that

(a) Except as provided in subsection (b),

1 contains a hard drive component without the written consent of the
2 secretary of state.

3 ✓ Sec. 4. K.S.A. 10-120 is hereby amended to read as follows: 10-120.

4 (a) Whenever an election is required for the issuance of bonds for any
5 purpose by any municipality other than an irrigation district or where a
6 different procedure for giving notice of the election is specifically
7 provided by law, upon compliance with the legal requirements necessary
8 and precedent to the call for the election, the proper municipal officers
9 shall call an election. The election shall be held within ~~45~~ 60 days after
10 compliance with the necessary requirements, or within 90 days, should the
11 longer period include the date of a general election.

12 (b) Notice of the election shall be published in a newspaper of general
13 circulation in the municipality once each week for two consecutive weeks.
14 The first publication shall be not less than 21 days prior to the election.
15 *Notice of the election shall also be published on the website of the county*
16 *election office of any county where the election is to be conducted. Such*
17 *notice shall be published not less than 21 days prior to the election and*
18 *shall remain on the website until the day after the election.* The notice
19 shall set forth the time and place of holding the election and the purpose
20 for which the bonds are to be issued and shall be signed by the county
21 election officer. The election shall be held at the usual place of holding
22 elections and shall be conducted by the officers or persons provided by law
23 for holding elections in the municipality.

24 Sec. 5. K.S.A. 15-809 is hereby amended to read as follows: 15-809.

25 (a) Any city of the third class ~~which~~ *that* owns an electric light or
26 waterworks plant, electric transmission line; or water, gas or electric
27 distribution system may sell the same, except that the sale shall not be
28 made until the proposition of whether to sell has been submitted to a vote
29 of the qualified electors of the city. If a majority of the qualified electors
30 who vote in the election vote in favor of the sale, the governing body may
31 dispose of the plant, transmission line or distribution system; according to
32 the proposition voted on at the election. The proposition submitted to the
33 electors shall contain a statement of the proposed sale price and the name
34 of the purchaser.

35 (b) When the governing body *of such city* decides to put the
36 proposition to a vote, ~~it~~ *the governing body* shall pass an ordinance calling
37 an election to be held within ~~40~~ 60 days after the passage of the ordinance.
38 The mayor shall cause a notice of the election to be published once a week
39 for two consecutive weeks; *with* the first publication to be not less than 21
40 days preceding the election. *Notice of the election shall also be published*
41 *on the website of the county election office of any county where the*
42 *election is to be conducted. Such notice shall be published not less than 21*
43 *days prior to the election and shall remain on the website until the day*

(b) Each county election officer shall create a back-up copy of the hard drive of any electronic or electromechanical voting system, optical scanning equipment or any other voting system that contains a hard drive component. Such back-up copies shall be created immediately prior to and immediately after any system updates, repairs or improvements and prior to and after each general election. The county election officer shall maintain such back-up copies in a secured location for not less than 22 months.