

{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
"Poll Agents"
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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.

Strike in line 9

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

1 and regulations ~~of adopted by~~ the secretary of state. The supervising judge
2 of each voting place shall be in charge thereof and may direct authorized
3 poll agents as to their conduct ~~within the voting place~~, but such directions
4 shall not favor agents of one kind or party over agents of another kind or
5 party, and such directions shall not be contrary to law, rules and
6 regulations ~~of adopted by~~ the secretary of state; or instructions of the
7 county election officer.

8 ~~Sec. 48. 50. K.S.A. 25-3005a is hereby amended to read as follows:~~
9 ~~25-3005a. (a) As used in this act article, "authorized poll agent" means any~~
10 ~~one of the following persons:~~

- 11 ~~(1) Chairperson of a state or county party committee;~~
- 12 ~~(2) chairpersons of committees concerned with question submitted~~
13 ~~elections;~~
- 14 ~~(3) chairperson of state party committee;~~
- 15 ~~(4) any candidate whose name appears on a ballot associated with~~
16 ~~the polling place;~~
- 17 ~~(5) any precinct committeeman or precinct committeewoman;~~
- 18 ~~(6)(4) any write-in candidate who has filed an affidavit of write-in~~
19 ~~pursuant to K.S.A. 25-305, and amendments thereto; or~~
- 20 ~~(7)(5) any person appointed as provided in this section by any of the~~
21 ~~persons specified in this subsection.~~

22 ~~(b) Every person appointed to be an authorized poll agent under~~
23 ~~authority of this act shall be so appointed in writing by the person making~~
24 ~~such appointment. Such written appointment shall be filed with the county~~
25 ~~election office by hand delivery, express delivery service, facsimile~~
26 ~~transmission or any electronic method authorized by the secretary of state~~
27 ~~and a copy of such appointment shall be carried by the authorized poll~~
28 ~~agent at all times such person is acting as such agent and shall be~~
29 ~~displayed upon demand of any member of any election board or any other~~
30 ~~election officer. Each authorized poll agent shall wear a badge clearly~~
31 ~~identifying the wearer as an authorized poll agent. The badge shall contain~~
32 ~~the word "observer" in 32-point or larger type. The badge shall be issued~~
33 ~~by the county election officer. Every appointment of an authorized poll~~
34 ~~agent shall be made in such form as is approved by the secretary of state.~~
35 ~~The number of authorized poll agents in each voting place at any one time~~
36 ~~appointed by any of the following shall be limited to the number indicated:~~

- 37 ~~(1) State and county chairpersons, one two;~~
- 38 ~~(2) candidates, not to exceed one each;~~
- 39 ~~(3) precinct committeemen and committeewomen, one each;~~
- 40 ~~(4) the chairperson of each committee or organization concerned with~~
41 ~~any election on a question submitted, one each; and~~
- 42 ~~(5)(4) write-in candidates who have filed an affidavit or write-in~~
43 ~~pursuant to K.S.A. 25-305, and amendments thereto, one each.~~

Strike all in lines 8-43

Strike all in lines 1-18

~~(c) When any candidate or any precinct committeeman or precinct committeewoman other person is acting as an authorized poll agent, such person shall carry identification which that shall be supplied by the county election officer. Such identification shall indicate the authority by which such person is an authorized poll agent, and the same shall be in such form as is approved by the secretary of state. Whenever an authorized poll agent is required to carry identification under the provisions of this subsection such agent shall display the same upon demand of any member of any election board or any other election officer.~~

~~(d) Each person appointed to be an authorized poll agent shall:~~

~~(1) Be a registered Kansas voter;~~

~~(2) a member of any candidate's immediate family; or~~

~~(3) be a person under 18 years of age but at least 14 years of age who meets all other requirements for qualification of an elector except that of age.~~

~~(e) The provisions of this section shall apply to all elections.~~

~~(f) Violations of this section shall be a class C nonperson misdemeanor.~~

Sec. 49: 51. K.S.A. 2022 Supp. 25-3009 is hereby amended to read as follows: 25-3009.(a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots *or the corresponding ballot images* selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer shall determine the members of the sworn election board who will conduct the audit.

(2) The audit shall review contested races as follows:

(A) In presidential election years:

(i) One federal race;

(ii) one state legislative race; ~~and~~

(iii) one county race; *and*

(iv) *one constitutional amendment question, if any.*

(B) In even-numbered, non-presidential election years:

(i) One federal race;

(ii) one statewide race;

(iii) one state legislative race; ~~and~~

(iv) one county race; *and*

1 (b) In college districts in which the election at large method of
 2 election is in effect, if there are more than three times the number of
 3 candidates as there are trustees to be elected, the county election officer
 4 shall call, and there shall be held, a primary election. The names of twice
 5 the number of candidates as there are trustees to be elected who receive the
 6 greatest number of votes at the primary election shall appear on the ballots
 7 in the general election. If there are not more than three times the number of
 8 candidates as there are trustees to be elected, there shall not be a primary
 9 election and the names of the candidates shall be placed on the ballots in
 10 the general election.

11 (c) If a member is to be elected to fill an unexpired term, the office
 12 shall be listed separately on the ballots. If there are more than three
 13 candidates for such unexpired term, the county election officer shall call,
 14 and there shall be held, a primary election. The names of the two
 15 candidates for such unexpired term receiving the greatest number of votes
 16 shall appear on the ballots in the general election. If there are three or
 17 fewer qualified candidates for the unexpired term of any member position,
 18 there shall not be a primary election and the names of the candidates shall
 19 be placed on the ballots in the general election.

20 (d) On the ballots in general college district elections, blank lines for
 21 the names of write-in candidates shall be printed at the end of the list of
 22 candidates for each different office. The number of blank lines for each
 23 elected office shall be equal to the number of candidates to be elected
 24 thereto. The purpose of such blank lines shall be to permit the voter to
 25 insert the name of any person *who is a qualified elector residing in the*
 26 *district and whose name is not printed on the ballot but* for whom such
 27 voter desires to vote for such office. No lines for write-in candidates shall
 28 appear on primary college district election ballots.

29 ~~Sec. 66.~~ **68.** K.S.A. 10-120, 15-809, 19-303, 19-804, 19-3419, 19-
 30 3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-213, 25-222,
 31 25-303, 25-305, 25-305b, 25-308, 25-321, 25-432, 25-433, 25-604, 25-
 32 610, 25-901, **25-1115**, 25-1122, 25-1214, 25-1709, 25-1710, 25-1903, 25-
 33 2005, 25-2008, 25-2018, 25-2021, 25-21a02, 25-2310, **25-2502**, 25-2507,
 34 25-2601, 25-26a03, 25-2702, 25-2703, 25-2704, 25-2705, 25-2706, 25-
 35 2805, 25-2812, 25-2905, 25-3002, 25-3005, ~~25-3005a~~, 25-3104, 25-3107,
 36 25-3201, 25-3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-
 37 4148d, 25-4322, 25-4502, 25-4503, 25-4505, 25-4506, 25-4507, 25-4508,
 38 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424,
 39 25-3009 and 25-4414 are hereby repealed.

40 ~~Sec. 67.~~ **69.** This act shall take effect and be in force from and after
 41 its publication in the statute book.

Strike in line 35