

{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

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

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

16
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

Proposed Amendments to
House Bill No. 2086
(As Amended by House Committee of the Whole)
Senate Committee on Federal and State Affairs
"Election Commissioner"
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1 ~~qualified~~ *qualified*. If the vacancy occurs before May 1 of the second year
 2 of the term, the person appointed to fill the vacancy shall serve until a
 3 successor is elected and ~~qualified~~ *qualified* at the next general election to
 4 serve the remainder of the unexpired term. Nomination and election of
 5 such successor shall be in the same manner as nomination and election of a
 6 sheriff for a regular term. Any default or misfeasance in office of such
 7 undersheriff in the meantime, as well as before such vacancy, shall be
 8 deemed to be a breach of the condition of the bond given by the sheriff
 9 who appointed the undersheriff, and also a breach of the condition of the
 10 bond executed by such undersheriff to the sheriff by whom the
 11 undersheriff was appointed.

100,000

12 Sec. 8. K.S.A. 19-3419 is hereby amended to read as follows: 19-
 13 3419. In counties of this state having a population exceeding ~~130,000~~, *as*
 14 *certified to the secretary of state by the director of the division of the*
 15 *budget on the previous July 1 in accordance with K.S.A. 11-201, and*
 16 *amendments thereto, or as otherwise determined pursuant to K.S.A. 11-*
 17 *202, and amendments thereto, there shall be an office of commissioner of*
 18 *elections— which that shall be administered by an election commissioner.*
 19 *The election commissioner shall be appointed by the secretary of state and*
 20 *shall hold office for a term of four years and until a successor is appointed*
 21 *and qualified. The secretary of state may remove the election*
 22 *commissioner for official misconduct. Upon occurrence of a vacancy in*
 23 *the office of county election commissioner, the secretary of state shall*
 24 *appoint a successor. If the vacancy occurs before the expiration of a term*
 25 *of office, the appointment shall be for the unexpired term. ~~Such election~~*
 26 *commissioner shall have been a ~~qualified~~ *qualified* elector and a resident of the*
 27 *county at least two years prior to appointment. Within 10 days after*
 28 *receiving official notice of the appointment and before entering upon the*
 29 *duties of the office, the election commissioner shall take, subscribe and*
 30 *cause to be filed in the office of the secretary of state an oath of office for*
 31 *the faithful discharge of official duties. **Within 6 months after taking the***
 32 ***oath of office the newly appointed election commissioner shall become***
 33 ***a qualified elector of the same county.***

100,000

34 Sec. 9. K.S.A. 19-3422 is hereby amended to read as follows: 19-
 35 3422. All the jurisdiction, powers and duties now or hereafter conferred by
 36 law upon the county clerks and city, school and township officers relating
 37 to the conduct, supervision and control of elections, are hereby withdrawn
 38 from ~~said~~ *such* county clerks and city, school and township officers; in all
 39 counties having a population of more than ~~one hundred thousand~~
 40 ~~(100,000)~~ *130,000*, *as certified to the secretary of state by the director of*
 41 *the division of the budget on the previous July 1 in accordance with K.S.A.*
 42 *11-201, and amendments thereto, or as otherwise determined pursuant to*
 43 *K.S.A. 11-202, and amendments thereto, and the same such jurisdiction,*