

SENATE BILL No. 190

By Senator Haley

2-3

9 AN ACT concerning election crimes; amending K.S.A. 25-2425 and re-
10 pealing the existing section.

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

13 Section 1. K.S.A. 25-2425 is hereby amended to read as follows: 25-
14 2425. (a) Voting machine fraud is: ~~(a)~~ (1) Being in unlawful or unauthor-
15 ized possession of a voting machine key.

16 ~~(b)~~ (2) Intentionally tampering with, altering, disarranging, defacing,
17 impairing or destroying any voting machine, automatic ballot, voting ma-
18 chine label or register or record made by a voting machine.

19 (b) *For the purposes of this section:*

20 (1) “Ballot” means a paper ballot on which candidates’ names or ques-
21 tions are printed and which:

22 (A) *Is designed to receive opaque marks which can be detected by*
23 *optical scanning equipment; and*

24 (B) *which is capable of being counted manually.*

25 “Ballot” includes an electronic display or printed document containing
26 the offices and questions on which voters in a specified voting area are
27 eligible to vote.

28 (2) “Counting location” means the location in the county selected by
29 the county election officer for the automatic processing or counting, or
30 both, of ballots.

31 (3) “Direct recording electronic system” means a system that records
32 votes by means of a ballot display provided with mechanical or electro-
33 optical components that can be activated by the voter, that processes data
34 by means of a computer program, that records voting data and ballot
35 images in memory components, that produces a tabulation of the voting
36 data stored in a removable memory component and as printed copy, and
37 that may also provide a means for transmitting individual ballots or vote
38 totals to a central location for consolidating and reporting results from
39 precincts at the central location.

40 (4) “Electronic or electromechanical voting system” means a system
41 of casting votes by use of marking devices and tabulating ballots employ-
42 ing automatic tabulating equipment or data processing equipment includ-
43 ing a direct recording electronic system.

- 1 (5) *“Voting machine” means any device for the collection of votes*
- 2 *which has been approved and certified by the secretary of state pursuant*
- 3 *to K.S.A. 2008 Supp. 25-4404 and amendments thereto.*
- 4 (c) Voting machine fraud is a severity level 10, nonperson felony.
- 5 Sec. 2. K.S.A. 25-2425 is hereby repealed.
- 6 Sec. 3. This act shall take effect and be in force from and after its
- 7 publication in the statute book.