

## SENATE BILL No. 191

By Senators Haley and Faust-Goudeau

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9 AN ACT concerning electronic voting machines; requiring a verifiable  
10 paper trail; amending K.S.A. 2008 Supp. 25-4406 and repealing the  
11 existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) No funds received by the secretary of state from  
15 any source whatsoever shall be used for the initial purchase, upgrade,  
16 retrofit or equipping of any electronic or computerized voting machine  
17 or direct recording voting system, or any equipment related thereto, un-  
18 less such electronic or computerized voting machine or direct recording  
19 voting system includes or is equipped with an accessible voter verified  
20 paper audit trail as such term is defined in subsection (l) of K.S.A. 2008  
21 Supp. 25-4406 and amendments thereto.

22 (b) The provisions of this section are a part of and supplemental to  
23 the electronic and electromechanical voting systems act.

24 Sec. 2. K.S.A. 2008 Supp. 25-4406 is hereby amended to read as  
25 follows: 25-4406. Electronic or electromechanical voting systems ap-  
26 proved by the secretary of state:

27 (a) Shall provide for voting for the candidates for nomination or elec-  
28 tion of all political parties officially recognized pursuant to K.S.A. 25-302a,  
29 and amendments thereto;

30 (b) shall permit a voter to vote for any independent candidate for any  
31 office;

32 (c) shall provide for voting on constitutional amendments or other  
33 questions submitted;

34 (d) shall be so constructed that, as to primaries where candidates are  
35 nominated by political parties, the voter can vote only for the candidates  
36 for whom the voter is qualified to vote according to articles 2 and 33 of  
37 chapter 25 of the Kansas Statutes Annotated and amendments thereto;

38 (e) shall afford the voter an opportunity to vote for any or all candi-  
39 dates for an office for whom the voter is by law entitled to vote and no  
40 more, and at the same time shall prevent the voter from voting for the  
41 same candidate twice for the same office;

42 (f) shall be so constructed that in presidential elections the presiden-  
43 tial electors of any political party may be voted for by one action;

- 1 (g) shall provide for “write-in” votes;
- 2 (h) shall provide for voting in absolute secrecy, except as to persons  
3 who request assistance due to temporary illness or disability or a lack of  
4 proficiency in reading the English language;
- 5 (i) shall reject all votes for an office or upon a question submitted  
6 when the voter has cast more votes for such office or upon such question  
7 than the voter is entitled to cast;
- 8 (j) shall provide for instruction of voters on the operation of voting  
9 machines, illustrating the manner of voting by the use of such systems.  
10 The instruction may include printed materials or demonstration by elec-  
11 tion board workers; and
- 12 (k) shall meet the requirements of the help America vote act of 2002  
13 and other federal statutes and regulations governing voting equipment.
- 14 (l) (1) *No electronic or computerized voting machine shall be ap-  
15 proved for use in this state unless such electronic voting machine provides  
16 for a paper record of each electronically generated ballot that can be:*
- 17 (A) *Reviewed and corrected by the voter at the time the vote is cast;*  
18 *and*
- 19 (B) *used for a recount of the votes cast at an election in which elec-  
20 tronically generated ballots are used.*
- 21 (2) (A) *On and after January 1, 2010, no direct recording voting  
22 system shall be used in this state unless such voting system has an acces-  
23 sible voter verified paper audit trail.*
- 24 (B) *For the purposes of this provision, “accessible voter verified paper  
25 audit trail” means a component of an electronic or computerized voting  
26 machine that prints a contemporaneous paper record copy of each elec-  
27 tronic ballot and allows each voter to confirm such voter’s selections before  
28 the voter casts such voter’s ballot.*
- 29 Sec. 3. K.S.A. 2008 Supp. 25-4406 is hereby repealed.
- 30 Sec. 4. This act shall take effect and be in force from and after its  
31 publication in the statute book.