

## HOUSE BILL No. 2453

By Committee on Elections

Requested by Representative Pickert

1-15

1 AN ACT concerning elections; relating to advance voting ballots;  
2 requiring applications for such ballots be filed by the 12<sup>th</sup> day prior to  
3 election day; requiring advance voting in person to be completed prior  
4 to the week of the election; extending the time for transmittal of such  
5 ballots to 22 days prior to an election; ending the time for voter  
6 registration at 25 days prior to election day; amending K.S.A. 25-1123,  
7 25-1133, 25-1134 and 25-1136 and K.S.A. 2025 Supp. 25-1122, 25-  
8 1132, 25-2311 and 25-3107 and repealing the existing sections.

9  
10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2025 Supp. 25-1122 is hereby amended to read as  
12 follows: 25-1122. (a) Any registered voter may file with the county  
13 election officer where such person is a resident, or where such person is  
14 authorized by law to vote as a former precinct resident, an application for  
15 an advance voting ballot. The signed application shall be transmitted only  
16 to the county election officer by personal delivery, mail, facsimile or as  
17 otherwise provided by law.

18 (b) If the registered voter is applying for an advance voting ballot to  
19 be transmitted in person, the voter shall provide identification pursuant to  
20 K.S.A. 25-2908, and amendments thereto.

21 (c) If the registered voter is applying for an advance voting ballot to  
22 be transmitted by mail, the voter shall provide with the application for an  
23 advance voting ballot the voter's current and valid Kansas driver's license  
24 number, nondriver's identification card number or a photocopy of any  
25 other identification provided by K.S.A. 25-2908, and amendments thereto.

26 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,  
27 and amendments thereto, if:

28 (1) The voter is unable or refuses to provide current and valid  
29 identification; or

30 (2) the name and address of the voter provided on the application for  
31 an advance voting ballot do not match the voter's name and address on the  
32 registration book. The voter shall provide a valid form of identification as  
33 defined in K.S.A. 25-2908, and amendments thereto, to the county election  
34 officer in person or provide a copy by mail or electronic means before the  
35 meeting of the county board of canvassers. At the meeting of the county

1 board of canvassers the county election officer shall present copies of  
2 identification received from provisional voters and the corresponding  
3 provisional ballots. If the county board of canvassers determines that a  
4 voter's identification is valid and the provisional ballot was properly cast,  
5 the ballot shall be counted.

6 (e) No county election officer shall provide an advance voting ballot  
7 to a person who is requesting an advance voting ballot to be transmitted by  
8 mail unless:

9 (1) The county election official verifies that the signature of the  
10 person matches that on file in the county voter registration records, except  
11 that verification of the voter's signature shall not be required if a voter has  
12 a disability preventing the voter from signing. Signature verification may  
13 occur by electronic device or by human inspection. In the event that the  
14 signature of a person who is requesting an advance voting ballot does not  
15 match that on file, the county election officer shall attempt to contact the  
16 person and shall offer the person another opportunity to provide the  
17 person's signature for the purposes of verifying the person's identity. If the  
18 county election officer is unable to reach the person, the county election  
19 officer may transmit a provisional ballot, however, such provisional ballot  
20 may not be counted unless a signature is included therewith that can be  
21 verified; and

22 (2) the person provides such person's full Kansas driver's license  
23 number, Kansas nondriver's identification card number issued by the  
24 division of vehicles, or submits such person's application for an advance  
25 voting ballot and a copy of identification provided by K.S.A. 25-2908, and  
26 amendments thereto, to the county election officer for verification. If a  
27 person applies for an advance voting ballot to be transmitted by mail but  
28 fails to provide identification pursuant to this subsection or the  
29 identification of the person cannot be verified by the county election  
30 officer, the county election officer shall provide information to the person  
31 regarding the voter rights provisions of subsection (d) and shall provide  
32 the person an opportunity to provide identification pursuant to this  
33 subsection. For the purposes of this act, Kansas state offices and offices of  
34 any subdivision of the state will allow any person seeking to vote by an  
35 advance voting ballot the use of a photocopying device to make one  
36 photocopy of an identification document at no cost.

37 (f) (1) Applications for advance voting ballots to be transmitted to the  
38 voter by mail shall be filed only at the following times:

39 (A) For the primary election occurring on the first Tuesday in August  
40 in both even-numbered and odd-numbered years, between April 1 of such  
41 year and the ~~Tuesday of the week preceding~~ *14<sup>th</sup> day before* such primary  
42 election;

43 (B) for the general election occurring on the Tuesday following the

1 first Monday in November in both even-numbered and odd-numbered  
2 years, between 90 days prior to such election and the ~~Tuesday of the week~~  
3 ~~preceding 14<sup>th</sup> day before~~ such general election;

4 (C) for the presidential preference primary election held pursuant to  
5 K.S.A. 25-4501a, and amendments thereto, between January 1 of the year  
6 in which such election is held and 30 days prior to the day of such  
7 election;

8 (D) for question submitted elections occurring on the date of a  
9 primary or general election, the same as is provided for ballots for election  
10 of officers at such election;

11 (E) for question submitted elections not occurring on the date of a  
12 primary or general election, between the time of the first published notice  
13 thereof and the ~~Tuesday of the week preceding 14<sup>th</sup> day before~~ such  
14 question submitted election, ~~except that if the question submitted election~~  
15 ~~is held on a day other than a Tuesday, the final date for mailing of advance~~  
16 ~~voting ballots shall be one week before such election;~~ and

17 (F) for any special election of officers, at such time as is specified by  
18 the secretary of state.

19 (2) The county election officer of any county may receive  
20 applications prior to the time specified in this subsection and hold such  
21 applications until the beginning of the prescribed application period. Such  
22 applications shall be treated as filed on that date.

23 (g) (1) Unless an earlier date is designated by the county election  
24 office, applications for advance voting ballots transmitted to the voter in  
25 person shall be filed on the Tuesday next preceding the election and on  
26 each subsequent business day until no later than 12:00 ~~noon~~ *p.m.* on the  
27 ~~day~~ *Sunday* preceding such election. If the county election officer so  
28 provides, applications for advance voting ballots transmitted to the voter in  
29 person in the office of the county election officer also may be filed on the  
30 Saturday preceding the election. Upon receipt of any such properly  
31 executed application, the county election officer shall deliver to the voter  
32 such ballots and instructions as are provided for in this act.

33 (2) An application for an advance voting ballot filed by a voter who  
34 has a temporary illness or disability or who is not proficient in reading the  
35 English language or by a person rendering assistance to such voter may be  
36 filed during the regular advance ballot application periods until the close  
37 of the polls on election day.

38 (3) The county election officer may designate places other than the  
39 central county election office as satellite advance voting sites. At any  
40 satellite advance voting site, a registered voter may obtain an application  
41 for advance voting ballots. Ballots and instructions shall be delivered to  
42 the voter in the same manner and subject to the same limitations as  
43 otherwise provided by this subsection.

1 (h) Any person having a permanent disability or an illness that has  
2 been diagnosed as a permanent illness is hereby authorized to make an  
3 application for permanent advance voting status. Applications for  
4 permanent advance voting status shall be in the form and contain such  
5 information as is required for application for advance voting ballots and  
6 also shall contain information that establishes the voter's right to  
7 permanent advance voting status.

8 (i) On receipt of any application filed under the provisions of this  
9 section, the county election officer shall prepare and maintain in such  
10 officer's office a list of the names of all persons who have filed such  
11 applications, together with their correct post office address and the  
12 precinct, ward, township or voting area in which the persons claim to be  
13 registered voters or to be authorized by law to vote as former precinct  
14 residents and the present resident address of each applicant. Names and  
15 addresses shall remain so listed until the day of such election. The county  
16 election officer shall maintain a separate listing of the names and addresses  
17 of persons qualifying for permanent advance voting status. All such lists  
18 shall be available for inspection upon request in compliance with this  
19 subsection by any registered voter during regular business hours. The  
20 county election officer upon receipt of the applications shall enter upon a  
21 record kept by such officer the name and address of each applicant, which  
22 record shall conform to the list above required. Before inspection of any  
23 advance voting ballot application list, the person desiring to make the  
24 inspection shall provide to the county election officer identification in the  
25 form of driver's license or other reliable identification and shall sign a log  
26 book or application form maintained by the officer stating the person's  
27 name and address and showing the date and time of inspection. All records  
28 made by the county election officer shall be subject to public inspection,  
29 except that the voter identification information required by subsections (b)  
30 and (c) and the identifying number on ballots and ballot envelopes and  
31 records of such numbers shall not be made public.

32 (j) If a person on the permanent advance voting list fails to vote in  
33 four consecutive general elections, the county election officer may mail a  
34 notice to such voter. The notice shall inform the voter that the voter's name  
35 will be removed from the permanent advance voting list unless the voter  
36 renews the application for permanent advance voting status within 30 days  
37 after the notice is mailed. If the voter fails to renew such application, the  
38 county election officer shall remove the voter's name from the permanent  
39 advance voting list. Failure to renew the application for permanent  
40 advance voting status shall not result in removal of the voter's name from  
41 the voter registration list.

42 (k) (1) Any person who solicits by mail a registered voter to file an  
43 application for an advance voting ballot and includes an application for an

1 advance voting ballot in such mailing shall include on a page in such  
2 mailing a clear and conspicuous label in 10-point font or larger that  
3 includes:

4 (A) The name of the individual or organization that caused such  
5 solicitation to be mailed;

6 (B) the address of such individual or organization; and

7 (C) the following statement: "Disclosure: This is not a government  
8 mailing. It is from a private individual or organization."

9 (2) The application for an advance voting ballot included in such  
10 mailing shall be the official application for advance ballot by mail  
11 provided by the secretary of state or the appropriate county election office.  
12 No portion of such application shall be completed prior to mailing such  
13 application to the registered voter, except that the date of the election may  
14 be printed on the application.

15 (3) An application for an advance voting ballot shall include  
16 information on how to mail such application to the appropriate county  
17 election office. In no case shall the person who mails the application to the  
18 voter direct that the completed application be returned to such person.

19 (4) The provisions of this subsection shall not apply to:

20 (A) The secretary of state or any election official or county election  
21 office; or

22 (B) the official protection and advocacy for voting access agency for  
23 this state as designated pursuant to the federal help America vote act of  
24 2002, public law 107-252, or any other entity required to provide  
25 information concerning elections and voting procedures by federal law.

26 (5) A violation of this subsection is a class C nonperson  
27 misdemeanor.

28 (1) (1) No person shall mail or cause to be mailed an application for  
29 an advance voting ballot, unless such person is a resident of this state or is  
30 otherwise domiciled in this state.

31 (2) Any individual may file a complaint in writing with the attorney  
32 general alleging a violation of this subsection. Such complaint shall  
33 include the name of the person alleged to have violated this subsection and  
34 any other information as required by the attorney general. Upon receipt of  
35 a complaint, the attorney general shall investigate and may file an action  
36 against any person found to have violated this subsection.

37 (3) Any person who violates the provisions of this subsection is  
38 subject to a civil penalty of \$20. Each instance in which a person mails an  
39 application for an advance voting ballot in violation of this section shall  
40 constitute a separate violation.

41 (m) A county election officer shall not mail a ballot to a voter unless  
42 such voter has submitted an application for an advance voting ballot,  
43 except that a ballot may be mailed to a voter if such voter has permanent

1 advance voting ballot status pursuant to subsection (h) or if the election is  
2 conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq.,  
3 and amendments thereto.

4 (n) The secretary of state may adopt rules and regulations in order to  
5 implement the provisions of this section and to define valid forms of  
6 identification.

7 Sec. 2. K.S.A. 25-1123 is hereby amended to read as follows: 25-

8 1123. (a) When an application for an advance voting ballot has been filed  
9 in accordance with K.S.A. 25-1122, and amendments thereto, the county  
10 election officer shall transmit to the voter applying therefor one each of the  
11 appropriate ballots. Unless an advance voting ballot is transmitted in  
12 person pursuant to this subsection, the county election officer shall  
13 transmit the advance voting ballots to the voter at one of the following  
14 addresses as specified by the voter on such application: (1) The voter's  
15 residential address or mailing address as indicated on the registration list;  
16 (2) the voter's temporary residential address; or (3) a medical care facility  
17 as defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital,  
18 hospice or adult care home where the voter resides. No advance voting  
19 ballot shall be transmitted by the county election officer by any means  
20 prior to the ~~20<sup>th</sup>~~ 22<sup>nd</sup> day before the election for which an application for an  
21 advance voting ballot has been received by such county election officer. If  
22 the advance voting ballot is transmitted by mail, such ballot shall be  
23 transmitted with printed instructions prescribed by the secretary of state  
24 and a ballot envelope bearing upon the outside a printed form as described  
25 in K.S.A. 25-1120, and amendments thereto, and the same number as the  
26 number of the ballot. If the advance voting ballot is transmitted to the  
27 applicant in person in the office of the county election officer or at a  
28 satellite advance voting site, such advance voting ballot and printed  
29 instructions shall be transmitted in an advance voting ballot envelope  
30 bearing upon the outside a printed form as described in K.S.A. 25-1120,  
31 and amendments thereto, and the same number as the number of the ballot  
32 unless the voter elects to deposit the advance voting ballot into a locked  
33 ballot box without an envelope. All ballots shall be transmitted to the  
34 advance voting voter not more than ~~20~~ 22 days before the election but  
35 within two business days of the receipt of such voter's application by the  
36 election officer or the commencement of such ~~20-day~~ 22-day period. In  
37 primary elections required to be conducted on a partisan basis, the election  
38 officer shall deliver to such voter the ballot of the political party of the  
39 applicant.

40 (b) The restrictions in subsection (a) relating to where a county  
41 election officer may transmit an advance voting ballot shall not apply to an  
42 advance voting ballot requested pursuant to an application for an advance  
43 voting ballot filed by a voter who has a temporary illness or disability or

1 who is not proficient in reading the English language.

2 (c) The county election officer shall compare the driver's license  
3 number, nondriver's identification card number or copy of other valid  
4 identification provided by a voter to the voter registration list verified by  
5 the division of vehicles in accordance with federal law. If no identification  
6 information was provided by the voter or if such information does not  
7 match the information on the voter registration list, the county election  
8 officer shall transmit a provisional advance voting ballot.

9 Sec. 3. K.S.A. 2025 Supp. 25-1132 is hereby amended to read as  
10 follows: 25-1132. (a) All advance voting ballots that are received in the  
11 office of the county election officer or any polling place within the county  
12 not later than the hour for closing of the polls on the date of any election  
13 specified in K.S.A. 25-1122(f), and amendments thereto, shall be delivered  
14 by the county election officer to the appropriate special election board  
15 provided for in K.S.A. 25-1133, and amendments thereto.

16 (b) The deadline for the receipt by mail of the advance voting ballots  
17 by the office of the county election officer shall be ~~7:00 p.m. on the date of~~  
18 ~~the election~~ *the close of polls on election day*.

19 ~~(c) The secretary of state shall adopt rules and regulations to~~  
20 ~~implement this section.~~

21 Sec. 4. K.S.A. 25-1133 is hereby amended to read as follows: 25-  
22 1133. (a) The county election officer of every county, ~~which that~~ does not  
23 use voting machines, optical scanning systems or electronic or  
24 electromechanical voting systems; shall establish a special election board.  
25 The special election board shall consist of the election board members in  
26 the precinct ~~in which is located~~ *where* the office of the county election  
27 officer or the members of such additional election boards of the county, as  
28 the county election officer may designate, *are located*. The special election  
29 board shall meet at the voting place in the precinct ~~in which is located~~  
30 *where* the office of the county election officer on election day *is located*, or  
31 as provided by rules and regulations adopted by the secretary of state ~~as~~  
32 ~~authorized by K.S.A. 25-1132(b), and amendments thereto.~~

33 (b) In counties where voting machines, optical scanning systems or  
34 electronic or electromechanical voting systems are used, the county  
35 election officer shall appoint a special election board consisting of at least  
36 three members. Such members shall be registered voters of the county. The  
37 special election board shall meet in the office of the county election officer  
38 on election day or at such time before election day as the county election  
39 officer deems necessary, or as provided by rules and regulations adopted  
40 by the secretary of state ~~as authorized by K.S.A. 25-1132(b), and~~  
41 ~~amendments thereto.~~

42 Sec. 5. K.S.A. 25-1134 is hereby amended to read as follows: 25-  
43 1134. (a) The county election officer in counties ~~which that~~ have a special

1 election board established under K.S.A. 25-1133, and amendments thereto,  
2 shall deliver all advance voting ballots to the special election board when  
3 the special election board convenes; and thereafter as advance voting  
4 ballots are received during election day, until the time for closing of the  
5 polls, or as provided by rules and regulations adopted by the secretary of  
6 state as authorized by K.S.A. 25-1132(b), and amendments thereto.

7 (b) The special election board may conduct the original canvass of  
8 advance voting ballots when the board convenes; but shall not complete  
9 final tabulation prior to election day.

10 Sec. 6. K.S.A. 25-1136 is hereby amended to read as follows: 25-  
11 1136. (a) The vote of any advance voting voter may be challenged in the  
12 same manner as other votes are challenged, as nearly as may be, and the  
13 judges of the special election board shall determine the validity of each  
14 advance voting ballot. Whenever the judges determine that the form  
15 accompanying an advance voting ballot is insufficient, or that the voter is  
16 not a registered voter, or the challenge is otherwise sustained, the advance  
17 voting ballot envelope shall not be opened. In all such cases, the judges  
18 shall endorse on the back of the envelope the word "provisional" and state  
19 the reason for sustaining the challenge.

20 (b) Any advance voting ballot envelope ~~which~~ *that* has not been  
21 signed shall not be opened, and no vote on the ballot therein shall be  
22 counted. The envelope or ballot shall be challenged in the same manner in  
23 which other votes are challenged.

24 (c) Whenever it shall be made to appear to the judges of a special  
25 election board by sufficient proof that an advance voting voter has died,  
26 the envelope containing the advance voting ballot of the deceased voter  
27 shall not be opened. In all such cases, the judges shall endorse on the back  
28 of the envelope the word "provisional" and the reason for sustaining the  
29 challenge.

30 (d) If objection is made to an advance voting ballot because of form,  
31 condition; or marking thereof, the ballot shall be marked "void" if the  
32 judges uphold the objection to the entire ballot; and otherwise shall be  
33 marked on the back thereof, "objected to" with a statement of the  
34 substance of the objection.

35 (e) Void, provisional and objected to advance voting ballots shall be  
36 transmitted to the county election officer in the same manner as personally  
37 cast provisional ballots are transmitted but shall be placed in separate  
38 envelopes or sacks, appropriately labeled and sealed. Votes contained in  
39 void and provisional advance voting ballots shall not be included in the  
40 total of votes certified by the special election board. Void, provisional and  
41 objected to advance voting ballots shall be reviewed by the board of  
42 county canvassers, and the board shall finally determine the acceptance or  
43 rejection of each void, provisional or objected to ballot.



1       ~~(f) Procedures for canvassing and challenging advance voting ballots~~  
2 ~~received by mail after the closing of the polls pursuant to K.S.A. 25-~~  
3 ~~1132(b), and amendments thereto, shall be as set forth in rules and~~  
4 ~~regulations adopted by the secretary of state as authorized by K.S.A. 25-~~  
5 ~~1132(b), and amendments thereto.~~

6       Sec. 7. K.S.A. 2025 Supp. 25-2311 is hereby amended to read as  
7 follows: 25-2311. (a) County election officers shall provide for the  
8 registration of voters at one or more places on all days except the  
9 following:

10       (1) Days when the main offices of the county government are closed  
11 for business, except as is otherwise provided by any county election officer  
12 under the provisions of K.S.A. 25-2312, and amendments thereto;

13       (2) days when the main offices of the city government are closed for  
14 business, in the case of deputy county election officers who are city clerks  
15 except as is otherwise provided by any county election officer under the  
16 provisions of K.S.A. 25-2312, and amendments thereto;

17       (3) ~~the~~ 23 days preceding the day of primary and general  
18 elections;

19       (4) the 30 days preceding the day of any presidential preference  
20 primary election held pursuant to K.S.A. 25-4501a, and amendments  
21 thereto;

22       (5) ~~the~~ 23 days preceding the day of any election other than one  
23 specified in this subsection; and

24       (6) the day of any primary or general election or any question  
25 submitted election.

26       (b) For the purposes of this section in counting days that registration  
27 books are to be closed, all of the days including Sunday and legal holidays  
28 shall be counted.

29       (c) The secretary of state shall notify every county election officer of  
30 the dates when registration shall be closed preceding primary and general  
31 elections. The days so specified by the secretary of state shall be  
32 conclusive. Such notice shall be given by the secretary of state by mail at  
33 least 60 days preceding every primary and general election.

34       (d) The last days before closing of registration books as directed by  
35 the secretary of state under subsection (c), county election officers shall  
36 provide for registration of voters during regular business hours, during the  
37 noon hours and at other than regular business hours upon such days as the  
38 county election officers deem necessary. The last three business days  
39 before closing of registration books prior to primary and general elections,  
40 county election officers may provide for registration of voters until 99:00  
41 p.m. in any city.

42       (e) (1) Except as provided in paragraph (2), county election officers  
43 shall accept and process applications received by voter registration

1 agencies and the division of motor vehicles not later than the ~~21<sup>st</sup>~~ 23<sup>rd</sup> day  
2 preceding the date of any election or mailed voter registration applications  
3 that are postmarked not later than the ~~21<sup>st</sup>~~ 23<sup>rd</sup> day preceding the date of  
4 any election except, if the postmark is illegible or missing, mailed voter  
5 registration applications received in the mail not later than the ninth day  
6 preceding the day of any election.

7 (2) For any presidential preference primary election held pursuant to  
8 K.S.A. 25-4501a, and amendments thereto, county election officers shall  
9 accept and process applications received by voter registration agencies and  
10 the division of motor vehicles not later than the 31<sup>st</sup> day preceding the date  
11 of such election or mailed voter registration applications that are  
12 postmarked not later than the 31<sup>st</sup> day preceding such election except, if  
13 the postmark is illegible or missing, mailed voter registration applications  
14 received in the mail not later than the 19<sup>th</sup> day preceding the day of such  
15 election.

16 (f) The secretary of state may adopt rules and regulations interpreting  
17 the provisions of this section and specifying the days when registration  
18 shall be open, days when registration shall be closed, and days when it is  
19 optional with the county election officer for registration to be open or  
20 closed.

21 (g) Before each primary and general election held in even-numbered  
22 and odd-numbered years, and at times and in a form prescribed by the  
23 secretary of state, each county election officer shall certify to the secretary  
24 of state the number of registered voters in each precinct of the county as  
25 shown by the registration books in the office of such county election  
26 officer.

27 Sec. 8. K.S.A. 2025 Supp. 25-3107 is hereby amended to read as  
28 follows: 25-3107. (a) At the time of commencement of any canvass by the  
29 county board of canvassers, the county election officer shall present to the  
30 county board of canvassers the preliminary abstracts of election returns,  
31 together with the ballots and records returned by the election boards ~~and,~~  
32 ~~as provided by rules and regulations adopted by the secretary of state as~~  
33 ~~authorized by K.S.A. 25-1132(b), and amendments thereto, advance voting~~  
34 ~~ballots received after the closing of the polls pursuant to K.S.A. 25-~~  
35 ~~1132(b), and amendments thereto.~~ The county board of canvassers shall  
36 inspect and check the records presented by the county election officer and  
37 shall hear any questions ~~which~~ *that* the county election officer believes  
38 appropriate for determination of the board. The county board of canvassers  
39 shall do what is necessary to obtain an accurate and just canvass of the  
40 election and shall finalize the preliminary abstract of election returns by  
41 making any needed changes; and certifying ~~its~~ *that* authenticity and  
42 accuracy *of such abstract*. The certification of the county board of  
43 canvassers shall be attested by the county election officer. Neither the

1 county board of canvassers nor the county election officer shall open or  
2 unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-  
3 409; ~~and 25-1136 and 25-1337~~, and amendments thereto, or other specific  
4 provision of law or as is authorized to carry out a recount under subsection  
5 (b), or as authorized under subsection (e).

6 (b) If a majority of the members of the county board of canvassers  
7 shall determine that there are manifest errors appearing on the face of the  
8 poll books of any election board, ~~which~~ *that* might make a difference in  
9 the result of any election, ~~or~~ if any candidate shall request the recount of  
10 the ballots cast in all or in only specified voting areas for the office for  
11 which the person is a candidate; or if any registered elector who cast a  
12 ballot in a question submitted election requests a recount in all or only  
13 specified voting areas to determine the result of the election, the county  
14 board of canvassers shall cause a special election board appointed by the  
15 county election officer to meet under the supervision of the county election  
16 officer and recount the ballots with respect to any office or question  
17 submitted specified by the county board of canvassers or requested by the  
18 candidate or elector. If a recount is required in a county that uses optical  
19 scanning systems as defined in K.S.A. 25-4601 et seq., and amendments  
20 thereto, or electronic or electromechanical voting systems, as defined in  
21 K.S.A. 25-4401, and amendments thereto, the method of conducting the  
22 recount shall be at the discretion of the person requesting the recount. The  
23 county election officer shall not be a member of the special election board.  
24 Before the special election board meets to recount the ballots upon a  
25 properly filed request, the party who makes the request shall file with the  
26 county election officer a bond, with security to be approved by the county  
27 or district attorney, conditioned to pay all costs incurred by the county in  
28 making the recount. In the event that the candidate requesting the recount  
29 is declared the winner of the election as a result of the recount, or if as a  
30 result of the recount a question submitted is overturned, no action shall be  
31 taken on the person's bond and the county shall bear the costs incurred for  
32 the recount. Any recount must be requested in writing and filed with the  
33 county election officer not later than ~~5:00~~ 5:00 p.m. on the day following the  
34 last meeting of the county board of canvassers. The request shall specify  
35 which voting areas are to be recounted. The county election officer shall  
36 immediately notify any candidate involved in the election for which the  
37 recount is requested; ~~or shall~~ notify the county chairperson of each  
38 candidate's party. Any recount shall be initiated not later than the following  
39 day and shall be completed not later than 5:00 p.m. on the fifth day  
40 following the filing of the request for a recount, including Saturdays,  
41 Sundays and holidays. Upon completion of any recount under this  
42 subsection, the election board shall package and reseal the ballots as  
43 provided by law and the county board of canvassers shall complete its

1 canvass. The members of the special election board shall be paid as  
2 prescribed in K.S.A. 25-2811, and amendments thereto, for time actually  
3 spent making the recount.

4 (c) (1) The provisions of this subsection shall apply to any election  
5 for:

- 6 (A) Any state or national office elected on a statewide basis;
- 7 (B) the office of president or vice president of the United States;
- 8 (C) the office of members of the United States house of  
9 representatives;
- 10 (D) the office of members of the state senate or *the* house of  
11 representatives whose district is located in two or more counties;
- 12 (E) the office of members of the state board of education; and
- 13 (F) a constitutional amendment.

14 (2) Any candidate may request a recount in one or more counties.  
15 Any registered elector who cast a ballot in an election for a constitutional  
16 amendment submitted may request a recount in one or more counties. Any  
17 such recount shall be requested in writing and filed with the secretary of  
18 state not later than 5:00 p.m. on the day following the last meeting of the  
19 county board of canvassers canvassing votes in the election for which the  
20 recount is requested. The request shall specify which counties or precincts  
21 are to be recounted. If a recount is required in a county that uses optical  
22 scanning equipment, as defined in K.S.A. 25-4601, and amendments  
23 thereto, or electronic or electromechanical voting systems, as defined in  
24 K.S.A. 25-4401, and amendments thereto, the method of conducting the  
25 recount shall be at the discretion of the person requesting the recount.  
26 Except as provided by this subsection and subsection (d), the person  
27 requesting the recount shall file, contemporaneously with a request for a  
28 recount, a bond with the secretary of state, with security to be approved by  
29 the secretary of state, conditioned to pay all costs incurred by the counties  
30 and the secretary of state in making the recount. The amount of the bond  
31 shall be determined by the secretary of state. A candidate described in  
32 subsection (c)(1)(D) and (E) may post a bond as provided by subsection  
33 (b) in lieu of the bond required by this subsection. In the event that the  
34 candidate requesting the recount is declared the winner of the election as a  
35 result of the recount, no action shall be taken on the candidate's bond and  
36 the counties shall bear the costs incurred for the recount.

37 (3) The secretary of state immediately shall notify each county  
38 election officer affected by the recount and any candidate involved in the  
39 election for which the recount is requested. If the candidate cannot be  
40 reached, then the secretary of state shall notify the state chairperson of  
41 such candidate's party. Any such recount shall be conducted under the  
42 supervision of the county election officers at the direction of the secretary  
43 of state, and shall be initiated not later than the following day and shall be

1 completed not later than 55:00 p.m. on the fifth day following the filing of  
2 the request for a recount, including Saturdays, Sundays and holidays. Each  
3 county election officer involved in the recount shall appoint a special  
4 election board to recount the ballots. The members of the special election  
5 board shall be paid as prescribed in K.S.A. 25-2811, and amendments  
6 thereto, for time actually spent making the recount. Upon completion of  
7 any recount under this subsection, the special election board in each  
8 county shall package and reseal the ballots as provided by law and the  
9 county board of canvassers shall complete its canvass. The county election  
10 officer in each county immediately shall certify the results of the recount  
11 to the secretary of state.

12 (d) (1) The provisions of this subsection shall apply to any general  
13 elections for:

- 14 (A) Any state or national office elected on a statewide basis;
- 15 (B) the office of president or vice president of the United States;
- 16 (C) the office of members of the United States house of  
17 representatives;
- 18 (D) the office of members of *the* state senate or *the* house of  
19 representatives; and
- 20 (E) the office of members of the state board of education.

21 (2) Whenever the election returns reflect that a candidate for office  
22 was defeated by  $\frac{1}{2}$  of 1% or less of the total number of votes cast and if  
23 the candidate requests a recount in one or more counties, no bond shall be  
24 required and the state shall bear the cost of any recount performed using  
25 the method by which the ballots were counted originally.

26 (3) Not later than 60 days following a recount conducted pursuant to  
27 this subsection, the board of county commissioners of each county in  
28 which the recount occurred shall certify to the secretary of state the  
29 amount of all necessary direct expenses incurred by the county. Payment  
30 for such expenses shall be made to the county treasurer of the county upon  
31 warrants of the director of accounts and reports pursuant to vouchers  
32 approved by the secretary of state. Upon receipt of such payment and  
33 reimbursements, the county treasurer shall deposit the entire amount  
34 thereof in the county election fund; if there is one, and if there is ~~not~~ none  
35 then to the county general fund.

36 (4) The secretary of state, with the advice of the director of accounts  
37 and reports, shall determine the correctness of each amount certified under  
38 this section and adjust any discrepancies discovered before approving  
39 vouchers for payment to any county.

40 ~~(e) Procedures for canvassing and challenging advance voting ballots~~  
41 ~~received by mail after the closing of the polls pursuant to K.S.A. 25-~~  
42 ~~1132(b), and amendments thereto, shall be as set forth in rules and~~  
43 ~~regulations adopted by the secretary of state as authorized by K.S.A. 25-~~

1 ~~1132(b), and amendments thereto.~~

2       Sec. 9. K.S.A. 25-1123, 25-1133, 25-1134 and 25-1136 and K.S.A.  
3 2025 Supp. 25-1122, 25-1132, 25-2311 and 25-3107 are hereby repealed.

4       Sec. 10. This act shall take effect and be in force from and after its  
5 publication in the statute book.