

## SENATE BILL No. 507

By Committee on Federal and State Affairs

2-12

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1 AN ACT concerning elections; relating to the conduct thereof; prohibiting  
2 enforcement of federal immigration laws at polling places and locations  
3 designated for the canvassing, auditing and recounting of ballots;  
4 amending K.S.A. 25-2703 and K.S.A. 2025 Supp. 25-3005, 25-3009  
5 and 25-3107 and repealing the existing sections.  
6

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

8 Section 1. K.S.A. 25-2703 is hereby amended to read as follows: 25-  
9 2703. (a) The county election officers shall provide suitable voting places  
10 in which to hold all national, state, county, township, city and school  
11 primary and general elections, question submitted elections and other  
12 public elections. County election officers shall arrange for voting places to  
13 be warmed, lighted; and furnished with proper supplies and conveniences,  
14 including a sufficient number of booths, shelves and pencils, to enable the  
15 voters to prepare their ballots, screened from observation. Voting booths  
16 shall be in plain view of the receiving board, and both ~~they~~ *the booths* and  
17 the ballot boxes shall be in plain view of electors waiting to vote. Each  
18 booth shall be designed so as to protect the privacy of the voter. Booths  
19 shall be well lighted.

20 (b) No person other than judges, clerks and other election officers  
21 allowed by law, and those admitted for the purpose of voting, shall be  
22 permitted within three feet of the voting booths, ~~of~~ voting machines where  
23 ~~they~~ *such machines* are used; or ~~of~~ any table being used by the election  
24 board, except by the authority of the supervising judge. Voting booths shall  
25 be deposited with the county election officer between elections.

26 (c) (1) *It shall be unlawful for any person to be present within 400*  
27 *feet of any entrance to any polling place for the purpose of conducting any*  
28 *act of enforcement of federal immigration laws.*

29 (2) *A violation of this subsection is a class A misdemeanor.*

30 Sec. 2. K.S.A. 2025 Supp. 25-3005 is hereby amended to read as  
31 follows: 25-3005. (a) At all elections authorized poll agents shall be  
32 allowed to be present and observe the proceedings at all original,  
33 intermediate and final canvasses of elections, at all recounts authorized by  
34 K.S.A. 25-3107, and amendments thereto, at all audits conducted after an  
35 election pursuant to K.S.A. 25-3009, and amendments thereto, and at the  
36 time and place of casting ballots, subject to such limitations as are

1 prescribed by law or rules and regulations adopted by the secretary of  
2 state.

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

9 (c) (1) *It shall be unlawful for any person to be present within 400*  
10 *feet of any entrance to any location where any of the election procedures*  
11 *described in subsection (a) are occurring for the purpose of conducting*  
12 *any act of enforcement of federal immigration laws.*

13 (2) *A violation of this subsection is a class A misdemeanor.*

14 Sec. 3. K.S.A. 2025 Supp. 25-3009 is hereby amended to read as  
15 follows: 25-3009. (a) After an election and prior to the meeting of the  
16 county board of canvassers to certify the official election results for any  
17 election in which the canvassers certify the results, the county election  
18 officer shall conduct a manual audit or tally of each vote cast, regardless of  
19 the method of voting, in 1% of all precincts, with a minimum of one  
20 precinct located within the county. The precinct or precincts shall be  
21 randomly selected and the selection shall take place after the election.

22 (b) (1) The audit shall be performed manually and shall review all  
23 paper ballots selected pursuant to subsection (a). The audit shall be  
24 performed by a sworn election board consisting of bipartisan trained board  
25 members. The county election officer shall determine the members of the  
26 sworn election board who will conduct the audit.

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

28 (A) In presidential election years:

29 (i) One federal race;

30 (ii) one state legislative race;

31 (iii) one county race; and

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

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

34 (i) One federal race;

35 (ii) one statewide race;

36 (iii) one state legislative race;

37 (iv) one county race; and

38 (v) one constitutional amendment question, if any.

39 (C) In even-numbered election years, any federal, statewide or state  
40 legislative race that is within 1% of the total number of votes cast tallied  
41 on election night, as determined by the secretary of state, shall be audited.  
42 The county election officer shall conduct the audit in the manner set forth  
43 in subsection (a) in 10% of all county precincts in the specified race, with

1 a minimum of one precinct in the county. The precincts audited pursuant to  
2 this subsection shall be in addition to the precincts audited under  
3 subparagraphs (2)(A) and (B).

4 (D) In odd-numbered election years, two local races will be randomly  
5 selected, and the selection shall take place after the election.

6 (E) Any presidential preference primary election held pursuant to  
7 K.S.A. 25-4501a, and amendments thereto.

8 (c) At least five days prior to the audit, notice of the time and location  
9 of the audit shall be provided to the public on the official county website.  
10 The audit shall be conducted in a public setting. Any candidate or entity  
11 who is authorized to appoint a poll agent may appoint a poll agent for the  
12 audit.

13 (d) The results of the audit shall be compared to the unofficial  
14 election night returns and a report shall be submitted to the county election  
15 office and to the secretary of state's office prior to the meeting of the  
16 county board of canvassers. If a discrepancy is reported between the audit  
17 and the unofficial returns and cannot be resolved, the county election  
18 officer or the secretary of state may require audits of additional precincts.  
19 Once the audit has been completed, the results of the audit shall be used by  
20 the county board of canvassers when certifying the official election results.

21 (e) Upon publication of the notice of the audit pursuant to subsection  
22 (c), the signed and certified official abstracts required by K.S.A. 25-3006,  
23 and amendments thereto, shall be made available by the county election  
24 office for review by any authorized poll agent. Such abstracts shall be  
25 from all precincts and shall not be limited to those precincts that are  
26 subject to the audit. The abstracts shall be available for review until  
27 commencement of the original canvass.

28 (f) (1) *It shall be unlawful for any person to be present within 400*  
29 *feet of any entrance to any location where any audits of ballots as*  
30 *described in this section are occurring for the purpose of conducting any*  
31 *act of enforcement of federal immigration laws.*

32 (2) *A violation of this subsection is a class A misdemeanor.*

33 (g) The secretary of state shall adopt rules and regulations governing  
34 the conduct and procedure of the audit, including the random selection of  
35 the precincts and offices involved in the audit.

36 Sec. 4. K.S.A. 2025 Supp. 25-3107 is hereby amended to read as  
37 follows: 25-3107. (a) At the time of commencement of any canvass by the  
38 county board of canvassers the county election officer shall present to the  
39 county board of canvassers the preliminary abstracts of election returns,  
40 together with the ballots and records returned by the election boards and,  
41 as provided by rules and regulations adopted by the secretary of state as  
42 authorized by K.S.A. 25-1132(b), and amendments thereto, advance voting  
43 ballots received after the closing of the polls pursuant to K.S.A. 25-

1 1132(b), and amendments thereto. The county board of canvassers shall  
2 inspect and check the records presented by the county election officer and  
3 shall hear any questions which the county election officer believes  
4 appropriate for determination of the board. The county board of canvassers  
5 shall do what is necessary to obtain an accurate and just canvass of the  
6 election and shall finalize the preliminary abstract of election returns by  
7 making any needed changes, and certifying its authenticity and accuracy.  
8 The certification of the county board of canvassers shall be attested by the  
9 county election officer. Neither the county board of canvassers nor the  
10 county election officer shall open or unseal sacks or envelopes of ballots,  
11 except as is required by K.S.A. 25-409; *and* 25-1136 ~~and 25-1337~~, and  
12 amendments thereto, or other specific provision of law or as is authorized  
13 to carry out a recount under subsection (b), or as authorized under  
14 subsection (e).

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

1 voting areas are to be recounted. The county election officer shall  
2 immediately notify any candidate involved in the election for which the  
3 recount is requested, or shall notify the county chairperson of each  
4 candidate's party. Any recount shall be initiated not later than the following  
5 day and shall be completed not later than 5 p.m. on the fifth day following  
6 the filing of the request for a recount, including Saturdays, Sundays and  
7 holidays. Upon completion of any recount under this subsection, the  
8 election board shall package and reseal the ballots as provided by law and  
9 the county board of canvassers shall complete its canvass. The members of  
10 the special election board shall be paid as prescribed in K.S.A. 25-2811,  
11 and amendments thereto, for time actually spent making the recount.

12 (c) (1) The provisions of this subsection shall apply to any election  
13 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 house of  
19 representatives whose district is located in two or more counties;
- 20 (E) the office of members of the state board of education; and
- 21 (F) a constitutional amendment.

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

1 the counties shall bear the costs incurred for the recount.

2 (3) The secretary of state immediately shall notify each county  
3 election officer affected by the recount and any candidate involved in the  
4 election for which the recount is requested. If the candidate cannot be  
5 reached, then the secretary of state shall notify the state chairperson of  
6 such candidate's party. Any such recount shall be conducted under the  
7 supervision of the county election officers at the direction of the secretary  
8 of state, and shall be initiated not later than the following day and shall be  
9 completed not later than 5 p.m. on the fifth day following the filing of the  
10 request for a recount, including Saturdays, Sundays and holidays. Each  
11 county election officer involved in the recount shall appoint a special  
12 election board to recount the ballots. The members of the special election  
13 board shall be paid as prescribed in K.S.A. 25-2811, and amendments  
14 thereto, for time actually spent making the recount. Upon completion of  
15 any recount under this subsection, the special election board in each  
16 county shall package and reseal the ballots as provided by law and the  
17 county board of canvassers shall complete its canvass. The county election  
18 officer in each county immediately shall certify the results of the recount  
19 to the secretary of state.

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

22 (A) Any state or national office elected on a statewide basis;

23 (B) the office of president or vice president of the United States;

24 (C) the office of members of the United States house of  
25 representatives;

26 (D) the office of members of *the* state senate or house of  
27 representatives; and

28 (E) the office of members of the state board of education.

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

34 (3) Not later than 60 days following a recount conducted pursuant to  
35 this subsection, the board of county commissioners of each county in  
36 which the recount occurred shall certify to the secretary of state the  
37 amount of all necessary direct expenses incurred by the county. Payment  
38 for such expenses shall be made to the county treasurer of the county upon  
39 warrants of the director of accounts and reports pursuant to vouchers  
40 approved by the secretary of state. Upon receipt of such payment and  
41 reimbursements, the county treasurer shall deposit the entire amount  
42 thereof in the county election fund, if there is one and if there is not then to  
43 the county general fund.

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

5 ~~(e) (1) Procedures for canvassing and challenging advance voting~~  
6 ~~ballots received by mail after the closing of the polls pursuant to K.S.A.~~  
7 ~~25-1132(b), and amendments thereto, shall be as set forth in rules and~~  
8 ~~regulations adopted by the secretary of state as authorized by K.S.A. 25-~~  
9 ~~1132(b), and amendments thereto~~ *It shall be unlawful for any person to be*  
10 *present within 400 feet of any entrance to any location where any canvass*  
11 *or recount of ballots as described in this section is occurring for the*  
12 *purpose of conducting any act of enforcement of federal immigration laws.*

13 (2) *A violation of this subsection is a class A misdemeanor.*

14 Sec. 5. K.S.A. 25-2703 and K.S.A. 2025 Supp. 25-3005, 25-3009 and  
15 25-3107 are hereby repealed.

16 Sec. 6. This act shall take effect and be in force from and after its  
17 publication in the statute book.