

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **SB 365**, on page 1, following line 29, by inserting:

"Sec. 2. K.S.A. 2023 Supp. 25-2912 is hereby amended to read as follows: 25-2912. (a)

(1) (A) All voting systems used for elections in this state held on or after January 1, ~~2024~~ 2025, shall require the use of an individual, durable, voter-verified paper ballot with a distinctive watermark and serial number established by the secretary of state. The voter's ballot shall be:

(i) Marked by the voter, or by a person assisting the voter as otherwise permitted by law, either by hand or prior to January 1, 2025, by use of a voting machine that is a non-tabulating paper ballot marking or printing device or system that may be electromechanical or electronic. On and after January 1, 2025, ballots shall only be marked by hand;

(ii) made available to the voter for inspection and verification by the voter after the voter has marked the ballot but before the voter's vote is cast and counted, that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new paper ballot; and

(iii) canvassed by hand or prior to January 1, 2025, read and tabulated by vote-tabulating equipment consisting of optical scanning equipment or other counting equipment that counts and tabulates paper ballots. On and after January 1, 2025, ballots shall only be canvassed by hand.

(B) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the paper ballot is secured and preserved.

(2) The voting system shall not preserve the paper ballots in any manner that makes it

possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote without the voter's consent.

(3) The paper ballot shall constitute the official ballot and shall be preserved and used as the official ballot suitable for purposes of the tabulation of votes and any audit or recount conducted with respect to any election in which the voting system is used. On and after January 1, 2025, each paper ballot shall be counted by hand in any recount conducted with respect to any election, ~~unless the requestor of a recount pursuant to K.S.A. 25-3107, and amendments thereto, elects not to have the ballots counted by hand.~~

(4) In the event of any inconsistencies or irregularities between any electronic vote tallies counted prior to January 1, 2025, and the vote tallies determined by counting by hand the paper ballots cast, the paper ballots as counted by hand shall be the true and correct record of the votes cast.

(b) On and after January 1, 2025, the use of electronic or electromechanical voting or tabulation systems and electronic poll books or poll books not requiring a hand-written signature shall be prohibited.

(c) On or before January 1, ~~2023~~ 2025, the secretary of state shall adopt rules and regulations to implement the provisions of this section.

Sec. 3. K.S.A. 25-3001 is hereby amended to read as follows: 25-3001. Election boards shall make the original canvass according to the following procedure:

(a) A ballot box shall be opened and a judge designated by the supervising judge shall take the ballots out of the box either one at a time or in limited quantities as authorized by the supervising judge.

(b) A judge shall read and announce the vote on the ballot for each candidate. In reading and announcing the vote on ballots, the judge shall so place the ballot that another

member of the election board may view the ballot as the vote is announced. The clerks shall make a tally mark opposite the name of each candidate receiving a vote as announced by the judge. Such tally marks shall be made upon tally sheets provided by the county election officer. The supervising judge may direct a judge to perform the functions of a clerk for limited periods during the canvass and thereby temporarily relieve one or both clerks.

(c) After one judge announces the votes upon a ballot, ~~he~~ such judge shall hand the same to a second judge, who shall examine it and dispose of it as provided in this act.

(d) Void and blank ballots shall be announced by the judge, and the clerks shall make one tally mark for each such ballot opposite the proper designation on the tally sheet.

(e) From time to time during the canvass the clerks shall compare tally sheets and reconcile any differences to the satisfaction of a majority of the election board. When the canvass is completed, the number of votes received by each candidate shall be written in the indicated place on the tally sheet.

(f) When the canvass is completed on the night of the election, or if the canvass is continued from day to day at the completion of canvassing on each day, the supervising judge shall promptly transmit the number of votes received by each candidate or the number of votes received for and against a question submitted to the voters to the secretary of state or the secretary's designee as provided by K.S.A. 25-3006, and amendments thereto.

Sec. 4. K.S.A. 25-3006 is hereby amended to read as follows: 25-3006. (a) When the election board completes its canvass, it shall make three abstracts of the vote cast for all candidates whose names are printed on the ballot, all write-in votes cast and all votes cast on questions submitted. Such abstracts shall be made under the direction of the supervising judge upon forms provided by the county election officer. Each of such three abstracts shall bear a certificate of the validity thereof and each certificate shall be signed by all of the clerks and

judges at the voting place.

(b) In voting places prior to January 1, 2025, where voting machines equipped with printed election returns mechanisms are used, the counter compartment shall not be opened and the original and duplicate originals of the printed return sheets of the votes cast on questions submitted and for candidates whose names are printed on the official ballot labels, together with the tabulation and inclusion of any write-in votes appearing on the paper roll shall constitute the official abstract for the votes cast on that machine, when coupled with the other originals and duplicate originals of other machines in the voting place and certified as abstracts of the vote cast at such voting place, upon forms and in the manner prescribed by the county election officer. On an after January 1, 2025, only manual hand counting of the votes cast, as provided by K.S.A. 25-3001, and amendments thereto, shall be permitted.

(c) When the election board completes its canvass on the night of the election and has made the abstracts as provided by subsections (a) and (b), the supervising judge shall promptly report the votes cast for all candidates whose names are printed on the ballot, all write-in votes cast and all votes cast on questions submitted to the secretary of state or the secretary's designee. If the canvass is not completed the night of the election, the supervising judge shall promptly report the votes counted as indicated by the tally sheets at the end of canvassing each day that the canvass continues until the canvass is completed and shall then promptly report the completed canvass results. Reports shall be made and transmitted in the form and manner as determined by the secretary and approved by the legislature. All vote counts or results reported to the secretary of state or the secretary's designee shall be as agreed by the supervising judge and all judges and clerks at the voting place. Such reports shall not be considered in determining the official abstract or be considered as evidence in any proceeding challenging the results of any election but shall be utilized solely for purposes of providing current election vote count information for

the interest of the public by the secretary of state. The secretary shall promptly publish such unofficial vote counts when reported and the final unofficial results on the secretary's website by voting area or precinct, county and aggregate totals.

~~(e)~~(d) The secretary of state may adopt rules and regulations prescribing procedures and forms to be used in carrying out the provisions of this section and K.S.A. 25-1338, ~~as amended and amendments thereto.~~

Sec. 5. K.S.A. 2023 Supp. 25-3107 is hereby amended to read as follows: 25-3107. (a) At the time of commencement of any canvass by the county board of canvassers the county election officer shall present to the county board of canvassers the preliminary abstracts of election returns, together with the ballots and records returned by the election boards and, as provided by rules and regulations adopted by the secretary of state as authorized by K.S.A. 25-1132(b), and amendments thereto, advance voting ballots received after the closing of the polls pursuant to K.S.A. 25-1132(b), and amendments thereto. The county board of canvassers shall inspect and check the records presented by the county election officer and shall hear any questions which the county election officer believes appropriate for determination of the board. The county board of canvassers shall do what is necessary to obtain an accurate and just canvass of the election and shall finalize the preliminary abstract of election returns by making any needed changes, and certifying its authenticity and accuracy. The certification of the county board of canvassers shall be attested by the county election officer. Neither the county board of canvassers nor the county election officer shall open or unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other specific provision of law or as is authorized to carry out a recount under subsection (b), or as authorized under subsection (e).

(b) If a majority of the members of the county board of canvassers shall determine that

there are manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election, or if any candidate shall request the recount of the ballots cast in all or in only specified voting areas for the office for which the person is a candidate, or if any registered elector who cast a ballot in a question submitted election requests a recount in all or only specified voting areas to determine the result of the election, the county board of canvassers shall cause a special election board appointed by the county election officer to meet under the supervision of the county election officer and recount the ballots with respect to any office or question submitted specified by the county board of canvassers or requested by the candidate or elector. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601 et seq., and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting the recount. The county election officer shall not be a member of the special election board. Before the special election board meets to recount the ballots upon a properly filed request, the party who makes the request shall file with the county election officer a bond, with security to be approved by the county or district attorney, conditioned to pay all costs incurred by the county in making the recount. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, or if as a result of the recount a question submitted is overturned, no action shall be taken on the person's bond and the county shall bear the costs incurred for the recount. Any recount must be requested in writing and filed with the county election officer not later than 5 p.m. on the day following the last meeting of the county board of canvassers. The request shall specify which voting areas are to be recounted. The county election officer shall immediately notify any candidate involved in the election for which the recount is requested, or shall notify the county chairperson of each candidate's party. Any recount shall be initiated not later than the

following day and shall be completed not later than 5 p.m. on the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays. Upon completion of any recount under this subsection, the election board shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811, and amendments thereto, for time actually spent making the recount.

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

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

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

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

(D) the office of members of the state senate or house of representatives whose district is located in two or more counties;

(E) the office of members of the state board of education; and

(F) a constitutional amendment.

(2) Any candidate may request a recount in one or more counties. Any registered elector who cast a ballot in an election for a constitutional amendment submitted may request a recount in one or more counties. Any such recount shall be requested in writing and filed with the secretary of state not later than 5 p.m. on the day following the last meeting of the county board of canvassers canvassing votes in the election for which the recount is requested. The request shall specify which counties or precincts are to be recounted. If a recount is required in a county that uses optical scanning equipment, as defined in K.S.A. 25-4601, and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting the recount. Except as provided by this subsection and subsection (d), the person

requesting the recount shall file, contemporaneously with a request for a recount, a bond with the secretary of state, with security to be approved by the secretary of state, conditioned to pay all costs incurred by the counties and the secretary of state in making the recount. The amount of the bond shall be determined by the secretary of state. A candidate described in subsection (c)(1)(D) and (E) may post a bond as provided by subsection (b) in lieu of the bond required by this subsection. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, no action shall be taken on the candidate's bond and the counties shall bear the costs incurred for the recount.

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

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

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

- (B) the office of president or vice president of the United States;
- (C) the office of members of the United States house of representatives;
- (D) the office of members of the state senate or house of representatives; and
- (E) the office of members of the state board of education.

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

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

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

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

(f) A special election board conducting a recount as provided by this section shall report

the results of the recount promptly at the close of each day and upon completion of the recount to the secretary of state or the secretary's designee, and from time to time during the recount when requested by the secretary or secretary's designee, for the purpose of publication of the recount results on the secretary's website. Reports shall be made and transmitted in the form and manner as determined by the secretary of state. All vote counts or results reported shall be as agreed by all members of the special election board. Such reports shall not be considered in determining the official results or be considered as evidence in any proceeding challenging the results of any election or recount but shall be utilized solely for purposes of providing current information for the interest of the public. The secretary shall promptly publish the most current unofficial recount results and the unofficial completed recount results on the secretary's website by voting area or precinct, county and aggregate totals.

Sec. 6. K.S.A. 2023 Supp. 25-4402 is hereby amended to read as follows: 25-4402. (a) Except as provided in subsections (b) and (c) and subject to the limitations of article 44 of chapter 25 of Kansas Statutes Annotated and K.S.A. 2023 Supp. 25-2912, and amendments thereto, the board of county commissioners and the county election officer of any county are authorized to purchase, lease or rent and use electronic or electromechanical voting systems or electronic poll books as provided by K.S.A. 25-4403, and amendments thereto.

(b) On and after January 1, 2025, no board of county commissioners or the county election officer of any county shall purchase, lease, rent or use any electronic poll books.

(c) On and after January 1, 2025, no board of county commissioners or the county election officer of any county shall purchase, lease, rent or use any electromechanical vote tabulating equipment.

Sec. 7. K.S.A. 2023 Supp. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide

an electronic or electromechanical voting system or electronic poll books to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections. Electronic or electromechanical voting systems or electronic poll books shall not be used on and after January 1, 2025.

(b) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system or electronic poll books shall be used may issue bonds to finance and pay for purchase, lease or rental of such a system. Such bonds shall not be issued after the effective date of this act.

(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system or electronic poll books herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots, except that electronic poll books and electronic or electromechanical voting systems or tabulating equipment, including optical scanning equipment, shall not be used on and after January 1, 2025. Whenever the secretary of state rescinds approval of any voting system or electronic poll books, the board of county commissioners and the county election officer shall abandon the system or electronic poll books until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, the abandonment shall be permanent.

(d) On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any direct recording electronic system, as defined in K.S.A.

25-4401(d), and amendments thereto. On and after the effective date of this act, and before January 1, 2025, no board of county commissioners in any county may purchase, lease or rent any electronic or electromechanical voting system, unless such system:

- (1) Provides a paper record of each vote cast, produced at the time the vote is cast; and
- (2) has the ability to be tested both before an election and prior to the date of canvass.

Such test shall include the ability to match the paper record of the machine to the vote total contained in the machine.

(e) On and after January 1, 2025, no board of county commissioners in any county or the county election officer of any county shall purchase, lease, rent or use any electronic or electromechanical voting system or any electromechanical vote tabulating equipment, including, but not limited to, optical scanning equipment. On and after January 1, 2025, only manual hand counting of ballots shall be permitted.

(f) No component of an electronic or electromechanical voting system shall have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.

(~~f~~)(g) On and after July 1, 2022, and before January 1, 2025, no board of county commissioners or the county election officer of any county may purchase, lease or rent any electronic poll books unless the kind or make of such poll books have been certified by the secretary of state. No electronic poll book may be operated unless its network connectivity meets the security standards established by the secretary of state. On and after January 1, 2025, no board of county commissioners or the county election officer of any county shall operate, purchase, lease, rent or use any electronic poll books.

Sec. 8. K.S.A. 2023 Supp. 25-4404 is hereby amended to read as follows: 25-4404. (a)

Subject to the limitations of article 44 of chapter 25 of Kansas Statutes Annotated and K.S.A. 2023 Supp. 25-2912, and amendments thereto, and this section, the secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, including operating systems, firmware and software, and electronic poll books, and no kind or make of such system or electronic poll book shall be used at any election unless and until it receives certification by the secretary of state and a statement thereof is filed in the office of the secretary of state.

(b) Prior to certifying any system or electronic poll book as provided in paragraph (1) for use in an election occurring prior to January 1, 2025, the secretary of state shall cause the system or electronic poll book to be examined by a qualified, independent third party. The examination shall include inspection of the hardware, software, firmware and source code. Systems or electronic poll books offered or supplied by a vendor that declines to permit a complete examination shall not be certified by the secretary of state and shall not be used.

(c) On and after January 1, 2025, electronic or electromechanical voting systems and electronic poll books shall not be used in any election.

Sec. 9. K.S.A. 2023 Supp. 25-4405 is hereby amended to read as follows: 25-4405. (a) Any person, firm or corporation desiring to sell any kind or make of electronic or electromechanical voting system or electronic poll book to political subdivisions in Kansas ~~may~~ shall in writing request the secretary of state to examine the kind or make of the system which it desires to sell and shall accompany the request with a certified check in the sum of \$250 payable to the secretary of state to be used to defray a portion of the costs of such examination, and shall furnish at its own expense such system to the secretary of state for use in examining such system. The secretary of state ~~may~~ shall require such person, firm or corporation to furnish a competent person to explain the system or electronic poll book and demonstrate by the operation of such

system or electronic poll book that it complies with any applicable state and federal laws and regulations. The secretary of state ~~may~~ shall employ ~~a~~ an independent, qualified and competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such voting system or electronic poll book and to pay such persons reasonable compensation therefor. The costs of employment and any other costs associated with the approval of such system shall be paid by the applicant. The examination shall be conducted as provided in K.S.A. 25-4404, and amendments thereto. Electronic or electromechanical voting systems or electronic poll books not made available for a complete examination shall not be purchased or used.

(b) The secretary of state ~~may~~ shall require a review of any theretofore approved electronic or electromechanical voting system or electronic poll book and the equipment and operation thereof. Such review shall be commenced by the secretary of state giving written notice thereof to the person, firm or corporation which sought approval of the voting system or electronic poll book and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such voting system or electronic poll book or equipment thereof. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the voting system or electronic poll book, its equipment and operation and experience had therewith. The electronic or electromechanical voting system or electronic poll book shall be examined as provided in K.S.A. 25-4404, and amendments thereto. After such complete hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the voting system or electronic poll book, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any electronic or electromechanical voting system or

electronic poll book and its equipment or the programs of such system or electronic poll book.

(d) On and after January 1, 2025, electronic or electromechanical voting systems and electronic poll books shall not be used in any election.

Sec. 10. K.S.A. 2023 Supp. 25-4407 is hereby amended to read as follows: 25-4407. (a) When a board of commissioners and county election officer have determined that such kind or make of electronic or electromechanical voting system or electronic poll book shall be used in a county, the board of county commissioners and the county election officer shall provide such number of units as shall be necessary to equip voting places for the use of voters.

(b) No tax shall be levied under this section, nor shall any moneys be paid from any fund under authority of this section for any contract to purchase, lease or rent any electronic or electromechanical voting system or equipment thereof or electronic poll books, if approval of such voting system or equipment or kind or make of electronic poll book has been rescinded by the secretary of state.

(c) The secretary of state may purchase, rent or lease voting equipment ~~only~~ for the purpose of providing such equipment to counties ~~pursuant to the provisions of the help America vote act of 2002~~ as deemed necessary by the secretary. On and after January 1, 2025, electronic or electromechanical voting systems and electronic poll books shall not be used.

Sec. 11. K.S.A. 2023 Supp. 25-4408 is hereby amended to read as follows: 25-4408. The board of county commissioners shall provide for the storage of electronic or electromechanical voting systems and electronic poll books. The county election officer shall be in complete charge of the voting systems and electronic poll books, their safekeeping when not in use and keeping them in repair and working order and shall see that they are delivered to the voting places in time for all arrangements to be made and for the voting systems and electronic poll books to be ready for use at the hour of opening the polls. After the election the county

election officer shall see that the voting systems and electronic poll books are returned to the place of storage, or are secured for on-site storage. On and after January 1, 2025, electronic or electromechanical voting systems and electronic poll books shall not be used.

Sec. 12. K.S.A. 2023 Supp. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The equipment, programs and ballots shall be secured and retained by the county election officer.

(c) On and after January 1, 2025, electromechanical vote tabulation equipment shall not be used for the counting of votes. Only manual hand counting shall be used for the counting of the votes cast for all offices and on all questions submitted.

Sec. 13. K.S.A. 2023 Supp. 25-4414 is hereby amended to read as follows: 25-4414. (a) Electronic or electromechanical voting system or electronic poll book fraud is, if occurring prior to January 1, 2025:

(1) Being in unlawful or unauthorized possession of electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware, software or ballots;

(2) accessing without authorization or facilitating the unauthorized access to electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware, software or ballots;

(3) knowingly publishing or causing to be published any password or other confidential information relating to electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware or software; or

(4) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any electronic or electromechanical voting system, electronic poll book or component part thereof, or any ballot used by such electronic or electromechanical voting systems.

(b) Electronic or electromechanical voting system or electronic poll book fraud is a severity level 9, nonperson felony.

Sec. 14. K.S.A. 2023 Supp. 25-4415 is hereby amended to read as follows: 25-4415. The secretary of state may adopt rules and regulations:

(a) For the use of electronic and electromechanical voting systems prior to January 1, 2025, to count votes under the election laws of this state;

(b) for the use of electronic poll books prior to January 1, 2025, to process voters at polling places; and

(c) necessary for the administration of this act.

Sec. 15. K.S.A. 2023 Supp. 25-4610 is hereby amended to read as follows: 25-4610. (a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked as to record a predetermined number of valid votes for each candidate and on each question submitted, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The programs and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.

(c) On and after January 1, 2025, optical scanning equipment shall not be used for the counting of votes. Only manual hand counting shall be used to count the votes cast for all offices and on all questions submitted.

Sec. 16. K.S.A. 2023 Supp. 25-4613 is hereby amended to read as follows: 25-4613. On and after January 1, 2025, optical scanning equipment shall not be used for the counting of votes. Only manual hand counting shall be used to count the votes cast for all offices and on all

questions submitted. Prior to January 1, 2025, optical scanning equipment and systems using optical scanning equipment approved by the secretary of state:

(a) Shall be capable of being tested to ascertain that the equipment will correctly count votes cast for all offices and on all questions submitted;

(b) shall be capable of printing in legible form, reports and summaries of the election results as required by articles 30 and 31 of chapter 25 of Kansas Statutes Annotated, and amendments thereto;

(c) shall be capable of tabulating votes for candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;

(d) shall be capable of tabulating votes for any independent candidate of any office;

(e) shall be capable of tabulating votes for constitutional amendments or other questions submitted;

(f) shall be capable of tabulating the number of "write-in" votes cast for any office;

(g) shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(h) shall provide notification when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; and

(i) ~~shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment; and~~

~~(j)~~ shall not have the capability nor shall any component of an optical scanning system have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.";

Also on page 1, in line 30, by striking "is" and inserting ", 25-3001 and 25-3006 and

K.S.A. 2023 Supp. 25-2912, 25-3107, 25-4402, 25-4403, 25-4404, 25-4405, 25-4407, 25-4408, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "advance voting"; in line 2, by striking "such" and inserting "advance voting"; in line 3, after the semicolon by inserting "requiring the hand counting of ballots; prohibiting the use of electronic or electromechanical voting systems and electronic poll books; providing for the public reporting of vote counts during vote canvassing;"; also in line 3, after "25-1132" by inserting ", 25-3001 and 25-3006 and K.S.A. 2023 Supp. 25-2912, 25-3107, 25-4402, 25-4403, 25-4404, 25-4405, 25-4407, 25-4408, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613"; also in line 3, by striking "section" and inserting "sections"

Senator _____