

## HOUSE BILL No. 2254

By Representative Holland

2-2

---

9 AN ACT concerning elections; relating to paper verification of votes cast  
10 on electronic voting machines; amending K.S.A. 25-1308 and 25-1310  
11 and repealing the existing sections.  
12

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

14 Section 1. K.S.A. 25-1308 is hereby amended to read as follows: 25-  
15 1308. (a) The secretary of state shall examine and approve the kinds or  
16 makes of voting machines, and no kind or make of voting machine shall  
17 be used at any election where voting machines are authorized to be used  
18 unless and until it shall have been approved by the secretary of state and  
19 a statement thereof is filed in the office of the secretary of state.

20 (b) (1) *No electronic or computerized voting machine shall be ap-  
21 proved for use in this state unless such electronic voting machine provides  
22 for a paper record of each electronically generated ballot that can be:*

23 (A) *Reviewed and corrected by the voter at the time the vote is cast;  
24 and*

25 (B) *used for a recount of the votes cast at an election in which elec-  
26 tronically generated ballots are used.*

27 (2) (A) *On and after January 1, 2006, no direct recording voting  
28 system shall be used in this state unless such voting system has an acces-  
29 sible voter verified paper audit trail.*

30 (B) *For the purposes of this provision, "accessible voter verified paper  
31 audit trail" means a component of a direct recording electronic voting  
32 system that prints a contemporaneous paper record copy of each elec-  
33 tronic ballot and allows each voter to confirm such voter's selections before  
34 the voter casts such voters ballot.*

35 Sec. 2. K.S.A. 25-1310 is hereby amended to read as follows: 25-  
36 1310. (a) A kind or make of voting machine approved by the secretary of  
37 state:

38 (1) *Must be so constructed as to provide facilities for voting for the  
39 candidates for nomination or election of at least seven different political  
40 parties or organizations;*

41 (2) *must permit a voter to vote for any person for any office although  
42 not nominated as a candidate by any political party or organization;*

43 (3) *must provide for voting on constitutional amendments, proposi-*

1 tions or questions;

2 (4) must be so constructed that as to primaries where candidates are  
3 nominated by political parties it can be so locked from the outside that  
4 the voter can vote only for the candidates of the political party with which  
5 such voter is affiliated or, if not affiliated, according to such voter's dec-  
6 laration when applying to vote;

7 (5) must be so constructed as to prevent voting for more than one  
8 person for the same office except where the voter is lawfully entitled to  
9 vote for more than one person for that office;

10 (6) must afford the voter an opportunity to vote for any or all persons  
11 for an office as such voter is by law entitled to vote for and no more, and  
12 at the same time preventing such voter from voting for the same person  
13 twice for the same office;

14 (7) must be so constructed that in presidential elections the presi-  
15 dential electors of any political party for presidential and vice-presidential  
16 candidates may be voted upon at the same time;

17 (8) must provide facilities for "write-in" votes;

18 (9) must provide for voting in absolute secrecy in voting, except as to  
19 persons entitled to assistance;

20 (10) must be so constructed as to accurately account for every vote  
21 cast upon it;

22 (11) be provided with a "protective counter" or "protective device"  
23 whereby any operation of the machine before or after the election will  
24 be detected;

25 (12) be provided with a counter which will show at all times during  
26 the election how many persons have voted; and

27 (13) be provided with a mechanical model illustrating the manner of  
28 voting on the machine, suitable for the instruction of voters.

29 Voting machines approved by the state executive council shall continue  
30 on the approved list of voting machines.

31 *(b) In addition to the requirements of subsection (a), each electronic*  
32 *or computerized voting machine approved by the secretary of state shall*  
33 *meet the requirements of subsection (b) of K.S.A. 25-1308, and amend-*  
34 *ments thereto.*

35 New Sec. 3. No funds received by the secretary of state from any  
36 source whatsoever shall be used for the initial purchase, upgrade, retrofit  
37 or equipping of any direct recording voting system, or any equipment  
38 related thereto, unless such voting system includes or is equipped with  
39 an accessible voter verified paper audit trail as such term is defined in  
40 section 2, and amendments thereto.

41 Sec. 4. K.S.A. 25-1308 and 25-1310 are hereby repealed.

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