

## HOUSE BILL No. 2452

By Committee on Federal and State Affairs

2-7

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9 AN ACT concerning elections; relating to voting equipment; amending  
10 K.S.A. 25-4405, 25-4406, 25-4604 and 25-4613 and repealing the ex-  
11 isting sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 25-4405 is hereby amended to read as follows: 25-  
15 4405. (a) Any person, firm or corporation desiring to sell any kind or make  
16 of electronic or electromechanical voting system to political subdivisions  
17 in Kansas may in writing request the secretary of state to examine the  
18 kind or make of the system which it desires to sell and shall accompany  
19 the request with a certified check in the sum of \$250 payable to the  
20 secretary of state to be used to defray a portion of the costs of such  
21 examination, and shall furnish at its own expense such system to the sec-  
22 retary of state at the capitol in the city of Topeka, Kansas, for use by the  
23 secretary in examining such machine. The secretary of state may require  
24 such person, firm or corporation to furnish a competent person to explain  
25 the system and demonstrate by the operation of such system that it will  
26 do all the things required by article 44 of chapter 25 of Kansas Statutes  
27 Annotated and amendments thereto and can be safely used. *Upon request*  
28 *by the secretary of state, any such person, firm or corporation shall dis-*  
29 *close all information in regard to how the voting system operates including*  
30 *any information that may be considered a trade secret.* The secretary of  
31 state may employ a competent person or persons to assist in the exami-  
32 nation and to advise the secretary as to the sufficiency of such machine  
33 and to pay such persons reasonable compensation therefor. The costs of  
34 employment and any other costs associated with the approval of such  
35 system shall be paid in advance by the applicant.

36 (b) The secretary of state may require a review of any theretofore  
37 approved electronic or electromechanical voting system and the equip-  
38 ment and operation thereof. Such review shall be commenced by the  
39 secretary of state giving written notice thereof to the person, firm or  
40 corporation which sought approval of the system and to each county elec-  
41 tion officer and county commissioner of counties known to have pur-  
42 chased, leased or rented any such system or equipment thereof. Such  
43 notice shall fix a time and place of hearing at which those persons wishing

1 to be heard may appear and give oral or written testimony and explanation  
2 of the system, its equipment and operation and experience had therewith.  
3 After such hearing date and after such review as the secretary of state  
4 deems appropriate, the secretary of state may renew approval of the sys-  
5 tem, require changes therein for continued approval thereof or rescind  
6 approval previously given on either a conditioned or permanent basis.

7 (c) The secretary of state may appoint persons to assist county elec-  
8 tion officers or county commissioners in the testing of any electronic or  
9 electromechanical voting system and its equipment or the programs of  
10 such system.

11 Sec. 2. K.S.A. 25-4406 is hereby amended to read as follows: 25-  
12 4406. Electronic or electromechanical voting systems approved by the  
13 secretary of state:

14 (a) Shall provide facilities for voting for the candidates for nomination  
15 or election of at least seven different political parties;

16 (b) shall permit a voter to vote for any independent candidate for any  
17 office;

18 (c) shall provide for voting on constitutional amendments or other  
19 questions submitted;

20 (d) shall be so constructed that, as to primaries where candidates are  
21 nominated by political parties, the voter can vote only for the candidates  
22 of the political party with which the voter is affiliated or, if not affiliated,  
23 according to the voter's declaration when applying to vote;

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

28 (f) shall be so constructed that in presidential elections the presiden-  
29 tial electors of any political party may be voted for by one mark or punch;

30 (g) shall provide facilities for "write-in" votes;

31 (h) shall provide for voting in absolute secrecy, except as to persons  
32 entitled to assistance;

33 (i) shall reject all votes for an office or upon a question submitted  
34 when the voter has cast more votes for such office or upon such question  
35 than the voter is entitled to cast; and

36 (j) shall provide for instruction of voters on the operation of voting  
37 machines, illustrating the manner of voting by the use of such systems.  
38 The instruction may include printed materials or demonstration by elec-  
39 tion board workers.

40 (k) *No electronic or electromechanical voting system shall be con-*  
41 *nected to the internet at any time.*

42 Sec. 3. K.S.A. 25-4604 is hereby amended to read as follows: 25-  
43 4604. (a) Any person, firm or corporation desiring to sell any kind or make

1 of system using optical scanning equipment to counties in this state may  
2 make a request in writing of the secretary of state to examine the kind or  
3 make of the system using optical scanning equipment which it desires to  
4 sell and shall accompany the request with a certified check in the amount  
5 of \$250 payable to the secretary of state, and shall furnish at its own  
6 expense such optical scanning equipment and other items necessary for  
7 operation of such system to the secretary of state at the capitol in the city  
8 of Topeka, Kansas, for use by the secretary in examining such equipment  
9 and system. The secretary of state may require such person, firm or cor-  
10 poration to furnish a competent person to explain the system and dem-  
11 onstrate by the operation of such system that it will do all the things  
12 required by this act and applicable Kansas Statutes Annotated, and  
13 amendments thereto, and can be safely used. *Upon request by the sec-*  
14 *retary of state, any such person, firm or corporation shall disclose all*  
15 *information in regard to how the voting system operates including any*  
16 *information that may be considered a trade secret.* The secretary of state  
17 may employ a competent person or persons to assist in the examination  
18 and to advise the secretary as to the sufficiency of such system and equip-  
19 ment and to pay such persons reasonable compensation therefor. The  
20 costs of employment and other costs associated with the approval of such  
21 system shall be paid in advance by the applicant.

22 (b) The secretary of state may require a review of any theretofore  
23 approved system using optical scanning equipment and the operation  
24 thereof. Such review shall be commenced by the secretary of state giving  
25 written notice to the person, firm or corporation which sought approval  
26 of the system and to each county election officer and county commis-  
27 sioner of counties known to have purchased, leased or rented any such  
28 system or equipment. Such notice shall fix a time and place of hearing at  
29 which those persons wishing to be heard may appear and give oral or  
30 written testimony and explanation of the system, its optical scanning  
31 equipment and operation and experience had therewith. After such hear-  
32 ing date and after such review as the secretary of state deems appropriate,  
33 the secretary of state may renew approval of the system and such equip-  
34 ment, require changes therein for continued approval thereof or rescind  
35 approval previously given on either a conditioned or permanent basis.

36 (c) The secretary of state may appoint persons to assist county elec-  
37 tion officers or county commissioners in the testing of any system using  
38 optical scanning equipment and the programs of the system.

39 Sec. 4. K.S.A. 25-4613 is hereby amended to read as follows: 25-  
40 4613. Optical scanning equipment and systems using optical scanning  
41 equipment approved by the secretary of state:

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

1 ted; and

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

5 (c) shall be capable of tabulating votes for candidates for nomination  
6 or election of at least seven different political parties; and

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

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

11 (f) shall be capable of tabulating the number of “write-in” votes cast  
12 for any office; and

13 (g) shall not count any votes for an office or upon a question sub-  
14 mitted when the voter has cast more votes for such office or upon such  
15 question than the voter is entitled to cast.

16 (h) *No optical scanning equipment and systems using optical scanning*  
17 *equipment shall be connected to the internet at any time.*

18 Sec. 5. K.S.A. 25-4405, 25-4406, 25-4604 and 25-4613 are hereby  
19 repealed.

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