

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2086

By Committee on Elections

1-19

Proposed Amendments to
House Bill No. 2086
(As Amended by House Committee of the Whole)
Senate Committee on Federal and State Affairs
"Polling Place Control"
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Office of Revisor of Statutes

1 AN ACT concerning elections; relating to election procedures; clarifying
2 duties and qualifications of certain election officials; redefining certain
3 election crimes; amending K.S.A. 10-120, 15-809, 19-303, 19-804, 19-
4 3419, 19-3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-
5 213, 25-303, 25-305, 25-308, 25-321, 25-432, 25-433, 25-604, 25-610,
6 25-901, ~~25-1115~~, 25-1122, 25-1214, 25-1903, 25-2005, 25-2008, 25-
7 2018, 25-2021, 25-21a02, 25-2310, ~~25-2502~~, 25-2507, 25-26a03, 25-
8 2702, ~~25-2703~~, 25-2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-
9 2905, 25-3002, 25-3005, 25-3005a, 25-3104, 25-3107, 25-3201, 25-
10 3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-
11 4322, 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp.
12 19-3424, 25-3009 and 25-4414 and repealing the existing sections; also
13 repealing K.S.A. 25-222, 25-305b, 25-1709, 25-1710, 25-2601, 25-
14 4502, 25-4503, 25-4505, 25-4506, 25-4507 and 25-4508.

Strike in line 8

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. (a) The secretary of state shall oversee the conduct of
18 statewide elections in this state as the chief election officer and shall be
19 responsible for assisting and advising county election officers in
20 conducting elections in compliance with federal and state laws and rules
21 and regulations.

22 (b) Each county election officer shall be the sole public officer
23 responsible for planning, conducting and coordinating elections held
24 within such officer's county. Such officer shall be responsible for ensuring
25 that all such elections comply with federal and state law and rules and
26 regulations.

27 New Sec. 2. No person shall serve as a county election officer if such
28 person has been convicted of any crime described in chapter 25 of the
29 Kansas Statutes Annotated, and amendments thereto, or of any crime in
30 any other jurisdiction that is substantially the same as any such crime.

31 New Sec. 3. No county election office or any employee or agent
32 thereof shall create, or permit any other person to create, or disclose to any
33 person an image of the hard drive of any electronic or electromechanical
34 voting system, optical scanning equipment or any other voting system that

1 ~~Sec. 38.~~ **40.** K.S.A. 25-2702 is hereby amended to read as follows:
 2 25-2702. The county election officer may establish more than one precinct
 3 in any township or divide any township into precincts. Such division shall
 4 be made by a declaration made at least ~~ninety (90)~~ days before any county
 5 or state primary or general election, ~~and~~. Notice of such division, showing
 6 the boundaries of each precinct, shall be published once each week for
 7 three ~~(3)~~ consecutive weeks in a newspaper of general circulation in the
 8 county in which such township is located. *Notice of the election shall also*
 9 *be published on the website of the county election office of any county*
 10 *where the election is to be conducted.* A division once made shall remain
 11 the same until changed by subsequent declaration and publication notice as
 12 herein required. Upon making such division into precincts, the county
 13 election officer shall designate the boundaries of each precinct. A voter
 14 shall not be eligible to vote at any national, state, county or township
 15 election in any voting area other than the one in which ~~he or she~~ *such*
 16 *voter* resides.

Strike all in lines 17-35

17 ~~Sec. 39.~~ **41.** ~~K.S.A. 25-2703 is hereby amended to read as follows:~~
 18 ~~25-2703. (a) The county election officers shall provide suitable voting~~
 19 ~~places in which to hold all national, state, county, township, city and~~
 20 ~~school primary and general elections, question submitted elections and~~
 21 ~~other public elections. County election officers shall arrange for voting~~
 22 ~~places to be warmed, lighted, and furnished with proper supplies and~~
 23 ~~conveniences, including a sufficient number of booths, shelves and~~
 24 ~~pencils, to enable the voters to prepare their ballots, screened from~~
 25 ~~observation. Voting booths shall be in plain view of the receiving board,~~
 26 ~~and both ~~they~~ *the voting booths* and the ballot boxes shall be in plain view~~
 27 ~~of electors waiting to vote. Each *voting* booth shall be designed so as to~~
 28 ~~protect the privacy of the voter. ~~Booths and~~ shall be well lighted.~~

29 ~~(b) No person other than judges, clerks and other election officers~~
 30 ~~allowed by law, and those admitted for the purpose of voting, shall be~~
 31 ~~permitted within three feet of the voting booths, of voting machines where~~
 32 ~~they are used, if any; or of any table being used by ~~the~~ *any* election board,~~
 33 ~~except by the authority of the supervising judge. *The supervising judge*~~
 34 ~~*may expand such distance beyond three feet as needed.* Voting booths shall~~
 35 ~~be deposited with the county election officer between elections.~~

36 ~~Sec. 40.~~ **42.** K.S.A. 25-2704 is hereby amended to read as follows:
 37 25-2704. (a) The county election officer shall provide ballot boxes for each
 38 voting place. The secretary of state may adopt rules and regulations
 39 authorizing, in certain cases, additional or fewer ballot boxes than
 40 specified in subsection (b) ~~of this section~~ to be supplied.

41 (b) Unless otherwise provided by rules and regulations adopted ~~under~~
 42 ~~this section~~ by the secretary of state, a separate ballot box shall be
 43 provided for each of the types of ballots named in the following list, if

1 (b) In college districts in which the election at large method of
 2 election is in effect, if there are more than three times the number of
 3 candidates as there are trustees to be elected, the county election officer
 4 shall call, and there shall be held, a primary election. The names of twice
 5 the number of candidates as there are trustees to be elected who receive the
 6 greatest number of votes at the primary election shall appear on the ballots
 7 in the general election. If there are not more than three times the number of
 8 candidates as there are trustees to be elected, there shall not be a primary
 9 election and the names of the candidates shall be placed on the ballots in
 10 the general election.

11 (c) If a member is to be elected to fill an unexpired term, the office
 12 shall be listed separately on the ballots. If there are more than three
 13 candidates for such unexpired term, the county election officer shall call,
 14 and there shall be held, a primary election. The names of the two
 15 candidates for such unexpired term receiving the greatest number of votes
 16 shall appear on the ballots in the general election. If there are three or
 17 fewer qualified candidates for the unexpired term of any member position,
 18 there shall not be a primary election and the names of the candidates shall
 19 be placed on the ballots in the general election.

20 (d) On the ballots in general college district elections, blank lines for
 21 the names of write-in candidates shall be printed at the end of the list of
 22 candidates for each different office. The number of blank lines for each
 23 elected office shall be equal to the number of candidates to be elected
 24 thereto. The purpose of such blank lines shall be to permit the voter to
 25 insert the name of any person *who is a qualified elector residing in the*
 26 *district and whose name is not printed on the ballot but* for whom such
 27 voter desires to vote for such office. No lines for write-in candidates shall
 28 appear on primary college district election ballots.

29 ~~Sec. 66.~~ **68.** K.S.A. 10-120, 15-809, 19-303, 19-804, 19-3419, 19-
 30 3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-213, 25-222,
 31 25-303, 25-305, 25-305b, 25-308, 25-321, 25-432, 25-433, 25-604, 25-
 32 610, 25-901, **25-1115**, 25-1122, 25-1214, 25-1709, 25-1710, 25-1903, 25-
 33 2005, 25-2008, 25-2018, 25-2021, 25-21a02, 25-2310, **25-2502**, 25-2507,
 34 25-2601, 25-26a03, 25-2702, ~~25-2703~~, 25-2704, 25-2705, 25-2706, 25-
 35 2805, 25-2812, 25-2905, 25-3002, 25-3005, 25-3005a, 25-3104, 25-3107,
 36 25-3201, 25-3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-
 37 4148d, 25-4322, 25-4502, 25-4503, 25-4505, 25-4506, 25-4507, 25-4508,
 38 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424,
 39 25-3009 and 25-4414 are hereby repealed.

40 ~~Sec. 67.~~ **69.** This act shall take effect and be in force from and after
 41 its publication in the statute book.

Strike in line 34