

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2108

By Committee on Elections

1-23

1 AN ACT concerning elections; relating to straight ticket voting; amending
2 K.S.A. 25-210 and 25-2901 and K.S.A. 2014 Supp. 25-618, 25-4406,
3 25-4409, 25-4411, 25-4607, 25-4610 and 25-4613 and repealing the
4 existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. The secretary of state shall prescribe the ballot format
8 but the ballot shall be substantially in the form shown in this section. The
9 straight party ticket voting part of the general ballot shall precede the
10 national offices part of the ballot. Only recognized political parties under
11 K.S.A. 25-302a, and amendments thereto, shall be listed in the straight
12 party ticket part of the ballot. The order of the listed recognized parties
13 shall alternate between alphabetical order for gubernatorial elections and
14 reverse alphabetical order for presidential elections.

15 STRAIGHT PARTY TICKET

16 To vote for all candidates of one political party for all partisan offices
17 make ~~a cross or check~~ **the appropriate** mark in the square **or oval** at the
18 left of the appropriate party and your vote will be counted for the
19 candidate of that party in all races, unless you select a different candidate
20 in a particular race.

21 If you do not wish to vote a straight party ticket, you may leave the
22 boxes next to the political parties unmarked and select individual
23 candidates. Note: A straight party ticket vote does not constitute a vote for
24 judicial retention, nonpartisan offices or ballot questions. To vote in those
25 elections, you must make the appropriate mark in those sections of the
26 ballot.

27 Vote for All Candidates of One Political Party

28 Democratic Party

29 Libertarian Party

30 Republican Party

31 Sec. 2. K.S.A. 25-210 is hereby amended to read as follows: 25-210.
32 The official primary election ballot for national and state offices and the
33 official primary election ballot for county and township offices of each
34 political party shall be arranged on the ballot, printed, voted, and
35 canvassed in the same manner as is now or hereafter provided by law for
36 the arrangement, printing, voting, and canvassing of official general ballots

1 for national and state offices and official general ballots for county and
2 township offices, except as otherwise provided by law. *Primary election*
3 *ballots shall not provide for straight party ticket voting.*

4 Sec. 3. K.S.A. 2014 Supp. 25-618 is hereby amended to read as
5 follows: 25-618. The official general ballot for county and township
6 offices may be separate from the official general ballot for national and
7 state offices or may be combined with the official general ballot provided
8 for in K.S.A. 25-601, and amendments thereto. *A straight party ticket vote*
9 *on a national and state office general ballot shall apply to county and*
10 *township partisan offices.* The secretary of state shall prescribe the ballot
11 format but the ballot shall be substantially in the form shown in this
12 section and K.S.A. 25-611, and amendments thereto.

13
14 STATE OF KANSAS
15 OFFICIAL GENERAL BALLOT
16 County and Township Offices
17 County of _____, City (or Township) of _____
18 November _____, _____ year
19

20 -----
21 ~~To vote for a person,~~ *If you vote a straight party ticket, you may leave*
22 *the boxes next to the candidates for partisan offices blank. If you do not*
23 *vote a straight party ticket or if you vote a straight party ticket but you*
24 *want to select individual candidates for partisan offices, make a cross or*
25 ~~check~~ **the appropriate** mark in the square **or oval** at the left of the
26 person's name. To vote for a person whose name is not printed on the
27 ballot, write the person's name in the blank space and make a cross or
28 ~~check~~ **the appropriate** mark in the square **or oval** to the left. *A straight*
29 *party ticket vote only constitutes a vote for partisan offices.*

30
31 _____
32 FOR COUNTY COMMISSIONER

33 _____ DISTRICT

34 Vote for One

- 35 _____
- 36 _____

37
38 _____
39 FOR COUNTY CLERK

40 Vote for One

- 41 _____
- 42 _____

43

1 FOR COUNTY TREASURER

2 Vote for One

- 3 _____
- 4 _____
- 5 _____

6 And continuing in like manner for all county and township offices to be
7 elected.

8 Sec. 4. K.S.A. 25-2901 is hereby amended to read as follows: 25-
9 2901. When a voter receives a ballot, or set of ballots, such voter shall go
10 promptly and directly to one of the voting booths and mark the ballots
11 therein. No voter shall be allowed to occupy a booth already occupied by
12 another voter. No voter shall be allowed to occupy a booth more than five
13 minutes if other voters are waiting to occupy the same. The voter shall
14 mark the ballot by making ~~a cross or check~~ **the appropriate** mark in the
15 voting squares **or ovals** at the left of the names of candidates, *or if voting*
16 *a straight party ticket, in the voting square **or oval** at the left of the party's*
17 *name.*

18 Sec. 5. K.S.A. 2014 Supp. 25-4406 is hereby amended to read as
19 follows: 25-4406. Electronic or electromechanical voting systems
20 approved by the secretary of state:

21 (a) Shall provide for voting for the candidates for nomination or
22 election of all political parties officially recognized pursuant to K.S.A. 25-
23 302a, and amendments thereto;

24 (b) *shall provide for "straight party ticket" voting in general*
25 *elections. "Straight party ticket" means allowing voters to vote for all*
26 *candidates of one party for all partisan offices by selecting a single party*
27 *designation on the ballot, except that if a voter selects a single party in*
28 *order to cast a straight party ticket vote and also selects a single*
29 *candidate in another party or an independent candidate, or casts a write-*
30 *in vote, such voter's vote for the single candidate shall be counted and no*
31 *vote shall be counted for any other candidate for the same office. If a voter*
32 *selects a single party in order to cast a straight party ticket vote and also*
33 *selects a single candidate of the same political party as the selected party*
34 *in the voter's straight party ticket vote, such voter's vote for the single*
35 *candidate for that office shall be counted and the candidate shall not*
36 *receive a second vote from that voter's straight party ticket selection;*

37 (c) shall permit a voter to vote for any independent candidate for any
38 office;

39 ~~(e)~~ (d) shall provide for voting on constitutional amendments or other
40 questions submitted;

41 ~~(d)~~ (e) shall be so constructed that, as to primaries where candidates
42 are nominated by political parties, the voter can vote only for the
43 candidates for whom the voter is qualified to vote according to articles 2

1 and 33 of chapter 25 of the Kansas Statutes Annotated, and amendments
2 thereto;

3 ~~(e)~~ (f) shall afford the voter an opportunity to vote for any or all
4 candidates for an office for whom the voter is by law entitled to vote and
5 no more, and at the same time shall prevent the voter from voting for the
6 same candidate twice for the same office;

7 ~~(f)~~ (g) shall be so constructed that in presidential elections the
8 presidential electors of any political party may be voted for by one action;

9 ~~(g)~~ (h) shall provide for "write-in" votes;

10 ~~(h)~~ (i) shall provide for voting in absolute secrecy, except as to
11 persons who request assistance due to temporary illness or disability or a
12 lack of proficiency in reading the English language;

13 ~~(i)~~ (j) shall reject all votes for an office or upon a question submitted
14 when the voter has cast more votes for such office or upon such question
15 than the voter is entitled to cast;

16 ~~(j)~~ (k) shall reject all votes for a straight party ticket vote when the
17 voter has cast votes for more than one recognized political party in the
18 straight party ticket section of the ballot, except that if a voter votes for
19 more than one recognized political party in the straight party ticket
20 section of the ballot and votes for an office or upon a question submitted,
21 such voting systems shall not reject the votes for an individual office or
22 upon a question submitted, unless the voter has cast more votes for such
23 office or upon such question than the voter is entitled to cast;

24 (l) shall provide for instruction of voters on the operation of voting
25 machines, illustrating the manner of voting by the use of such systems.
26 The instruction may include printed materials or demonstration by election
27 board workers; and

28 ~~(k)~~ (m) shall meet the requirements of the help America vote act of
29 2002 and other federal statutes and regulations governing voting
30 equipment.

31 Sec. 6. K.S.A. 2014 Supp. 25-4409 is hereby amended to read as
32 follows: 25-4409. (a) The ballot information, shall, as far as practicable, be
33 in the order of arrangement provided for paper ballots except that such
34 information may be in vertical or horizontal rows, or in a number of
35 separate pages. Voting squares or ovals may be before or after the names
36 of *political parties*, candidates and statements of questions, and shall be of
37 such size as is compatible with the type of system used. Ballot information
38 shall be displayed in as plain clear type and size as the ballot spaces will
39 reasonably permit. Where candidate rotation is used, the voting equipment
40 shall be capable of meeting the requirements otherwise provided in law.

41 (b) Before the opening of the polls the election judges shall compare
42 the ballots with the sample ballots furnished, and see that the ballot
43 information thereon agrees and shall certify thereto on forms provided for

1 this purpose. The certification shall be filed with the election returns.

2 Sec. 7. K.S.A. 2014 Supp. 25-4411 is hereby amended to read as
3 follows: 25-4411. (a) The vote tabulation equipment may be located at any
4 place within the county approved by the county election officer.

5 (b) Within five days prior to the date of the election, the county
6 election officer shall have the automatic tabulating equipment tested to
7 ascertain that the equipment will correctly count the votes cast for all
8 offices and on all questions submitted. Public notice of the time and place
9 of the test shall be given at least 48 hours prior thereto by publication once
10 in a newspaper of general circulation in the county or city where such
11 equipment is to be used. The test shall be open to representatives of the
12 political parties, candidates, the press and the public. The test shall be
13 conducted by processing a preaudited group of ballots marked to record a
14 predetermined number of valid votes for each *political party*, *each*
15 *candidate* and on each ~~measure~~ *question submitted*, and shall include for
16 each *political party*, *office and question submitted* one or more ballots
17 which have votes in excess of the number allowed by law in order to test
18 the ability of the automatic tabulating equipment to reject such votes. *The*
19 *test shall also be conducted by processing a preaudited group of ballots*
20 *marked to record a predetermined number of valid votes for ballots which*
21 *are marked with both a straight party ticket vote and an individual*
22 *candidate in order to test the ability of the automatic tabulating equipment*
23 *to properly tabulate such votes.* If any error is detected, the cause therefor
24 shall be ascertained and corrected and an errorless count shall be made
25 before the automatic tabulating equipment is approved. The test shall be
26 repeated after the completion of the canvass. The equipment, programs and
27 ballots shall be secured and retained by the county election officer.

28 Sec. 8. K.S.A. 2014 Supp. 25-4607 is hereby amended to read as
29 follows: 25-4607. The ballot information shall be in the order of
30 arrangement provided for in article 6, chapter 25 of Kansas Statutes
31 Annotated, *and amendments thereto*, for official ballots. Such information
32 may be printed on both sides of one ballot or on more than one ballot.
33 Nothing in this act shall be construed as prohibiting the use of multiple
34 ballots when the information for any election exceeds the capacity of a
35 single ballot. *Voting squares or ovals may be placed before or after the*
36 *names of the appropriate political parties to allow voters to cast their*
37 *votes for all candidates of one political party for any office by marking the*
38 *square or oval for their party choice.* Voting squares or ovals may be
39 placed before or after the names of *political parties*, candidates and
40 ~~statements of~~ *questions submitted* or on a separate paper corresponding to
41 the ballot upon which the names of *political parties*, candidates and
42 ~~statements of~~ *questions submitted* appear. Voting squares or ovals shall be
43 of such size as is compatible with the system used. Ballots shall be printed

1 on paper and with ink compatible with the system used and the
2 information printed in as plain clear type and size as the ballot spaces
3 permit. On each ballot shall be printed a box, which shall be placed on the
4 ballot in such a manner so as not to interfere with the scanning of the
5 ballot. Such box shall be provided to allow for the insertion of a unique
6 mark designated by the county election officer to verify the authenticity of
7 the ballot.

8 Sec. 9. K.S.A. 2014 Supp. 25-4610 is hereby amended to read as
9 follows: 25-4610. (a) The optical scanning equipment may be located at
10 any place within the county approved by the county election officer.

11 (b) Within five days prior to the date of the election, the county
12 election officer shall have the optical scanning equipment tested to
13 ascertain that the equipment will correctly count the votes cast for all
14 offices and on all questions submitted. Public notice of the time and place
15 of the test shall be given at least 48 hours prior thereto by publication once
16 in a newspaper of general circulation in the county where such equipment
17 is to be used. The test shall be open to representatives of the political
18 parties, candidates, the press and the public. The test shall be conducted by
19 processing a preaudited group of ballots marked as to record a
20 predetermined number of valid votes for each *political party, each*
21 *candidate* and on each question submitted, and shall include for each
22 *political party, office and question submitted* one or more ballots which
23 have votes in excess of the number allowed by law in order to test the
24 ability of the optical scanning equipment to reject such votes. *The test*
25 *shall also be conducted by processing a preaudited group of ballots*
26 *marked to record a predetermined number of valid votes for ballots which*
27 *are marked with both a straight party ticket vote and an individual*
28 *candidate in order to test the ability of the automatic tabulating equipment*
29 *to properly tabulate such votes.* If any error is detected, the cause therefor
30 shall be ascertained and corrected and an errorless count shall be made
31 before the optical scanning equipment is approved. The test shall be
32 repeated after the completion of the canvass. The programs and ballots
33 shall be sealed, retained and disposed of in the same manner as paper
34 ballots.

35 Sec. 10. K.S.A. 2014 Supp. 25-4613 is hereby amended to read as
36 follows: 25-4613. Optical scanning equipment and systems using optical
37 scanning equipment approved by the secretary of state:

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

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

1 (c) shall be capable of tabulating votes for candidates for nomination
2 or election of all political parties officially recognized pursuant to K.S.A.
3 25-302a, and amendments thereto; ~~and~~

4 (d) *shall be capable of tabulating votes for "straight party ticket"*
5 *voting in general elections. "Straight party ticket" means allowing voters*
6 *to vote for all candidates of one party for all partisan offices by selecting a*
7 *single party designation on the ballot, except that if a voter selects a single*
8 *party in order to cast a straight party ticket vote and also selects a single*
9 *candidate in another party or an independent candidate, or casts a write-*
10 *in vote, such voter's vote for the single candidate shall be counted and no*
11 *vote shall be counted for any other candidate for the same office. If a voter*
12 *selects a single party in order to cast a straight party ticket vote and also*
13 *selects a single candidate of the same political party as the selected party*
14 *in the voter's straight party ticket vote, such voter's vote for the single*
15 *candidate for that office shall be counted and the candidate shall not*
16 *receive a second vote from that voter's straight party ticket selection;*

17 (e) shall be capable of tabulating votes for any independent candidate
18 of any office; ~~and~~

19 ~~(e)~~ (f) shall be capable of tabulating votes for constitutional
20 amendments or other questions submitted; ~~and~~

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

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

26 ~~(h)~~ (i) shall provide notification when the voter has cast more votes
27 for such office or upon such question *or for such recognized political*
28 *party* than the voter is entitled to cast; and

29 ~~(i)~~ (j) shall meet the requirements of the help America vote act of
30 2002 and other federal statutes and regulations governing voting
31 equipment.

32 Sec. 11. K.S.A. 25-210 and 25-2901 and K.S.A. 2014 Supp. 25-618,
33 25-4406, 25-4409, 25-4411, 25-4607, 25-4610 and 25-4613 are hereby
34 repealed.

35 Sec. 12. This act shall take effect and be in force from and after its
36 publication in the statute book.