

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2504

By Committee on Elections

Requested by Representative Waggoner

1-16

1 AN ACT concerning elections; relating to election audits; requiring that  
2 only physical paper ballots be used for purposes of conducting such  
3 audits; amending K.S.A. 2023 Supp. 25-3009 and repealing the  
4 existing section.  
5

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

7 Section 1. K.S.A. 2023 Supp. 25-3009 is hereby amended to read as  
8 follows: 25-3009. (a) After an election and prior to the meeting of the  
9 county board of canvassers to certify the official election results for any  
10 election in which the canvassers certify the results, the county election  
11 officer shall conduct a manual audit or tally of each vote cast, regardless of  
12 the method of voting, in 1% of all precincts, with a minimum of one  
13 precinct located within the county. The precinct or precincts shall be  
14 randomly selected and the selection shall take place after the election.

15 (b) (1) The audit shall be performed manually and shall review all  
16 paper ballots *required to be used pursuant to K.S.A. 2023 Supp. 25-2912,*  
17 *and amendments thereto, that are* selected pursuant to subsection (a). *A*  
18 *corresponding ballot image shall not be considered the same as the*  
19 *physical paper ballot.* The audit shall be performed by a sworn election  
20 board consisting of bipartisan trained board members. The county election  
21 officer shall determine the members of the sworn election board who will  
22 conduct the audit.

23 (2) The audit shall review contested races as follows:

24 (A) In presidential election years:

25 (i) One federal race;

26 (ii) one state legislative race;

27 (iii) one county race; and

28 (iv) one constitutional amendment question, if any.

29 (B) In even-numbered, non-presidential election years:

30 (i) One federal race;

31 (ii) one statewide race;

32 (iii) one state legislative race;

33 (iv) one county race; and

34 (v) one constitutional amendment question, if any.

35 (C) In even-numbered election years, any federal, statewide or state

1 legislative race that is within 1% of the total number of votes cast tallied  
2 on election night, as determined by the secretary of state, shall be audited.  
3 The county election officer shall conduct the audit in the manner set forth  
4 in subsection (a) in 10% of all county precincts in the specified race, with  
5 a minimum of one precinct in the county. The precincts audited pursuant to  
6 this subsection shall be in addition to the precincts audited under  
7 subparagraphs (2)(A) and (B).

8 (D) In odd-numbered election years, two local races will be randomly  
9 selected, and the selection shall take place after the election.

10 (E) Any presidential preference primary election held pursuant to  
11 K.S.A. 25-4501a, and amendments thereto.

12 (c) At least five days prior to the audit, notice of the time and location  
13 of the audit shall be provided to the public on the official county website.  
14 The audit shall be conducted in a public setting. Any candidate or entity  
15 who is authorized to appoint a poll agent may appoint a poll agent for the  
16 audit.

17 (d) The results of the audit shall be compared to the unofficial  
18 election night returns and a report shall be submitted to the county election  
19 office and to the secretary of state's office prior to the meeting of the  
20 county board of canvassers. If a discrepancy is reported between the audit  
21 and the unofficial returns and cannot be resolved, the county election  
22 officer or the secretary of state may require audits of additional precincts.  
23 Once the audit has been completed, the results of the audit shall be used by  
24 the county board of canvassers when certifying the official election results.

25 (e) Upon publication of the notice of the audit pursuant to subsection  
26 (c), the signed and certified official abstracts required by K.S.A. 25-3006,  
27 and amendments thereto, shall be made available by the county election  
28 office for review by any authorized poll agent. Such abstracts shall be  
29 from all precincts and shall not be limited to those precincts that are  
30 subject to the audit. The abstracts shall be available for review until  
31 commencement of the original canvass.

32 (f) The secretary of state shall adopt rules and regulations governing  
33 the conduct and procedure of the audit, including the random selection of  
34 the precincts and offices involved in the audit. **The random selection  
35 must use a physical random method and not an electronic random  
36 number generator.**

37 Sec. 2. K.S.A. 2023 Supp. 25-3009 is hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its  
39 publication in the statute book.