

Secretary of State  
Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1:00 p.m., May 7, 2024, in the first floor conference room of Memorial Hall, 120 SW 10th Ave., Topeka, KS, regarding the amendment of 18 election regulations: Kansas Administrative Regulations 6-1-1, 6-1-2, 7-21-1, 7-21-2, 7-23-2, 7-23-4, 7-24-2, 7-25-1, 7-26-1, 7-26-2, 7-27-1, 7-28-1, 7-36-1, 7-36-2, 7-36-3, 7-36-6, 7-38-1, 7-47-1.

Amendments to K.A.R. 7-21-1 and 7-21-2 require substantial upgrades to the physical and cyber security requirements for counties. To defray costs, the Secretary of State offered grants to cover 90% of the costs to the counties. The grants will total about \$1.9 million.

Amendments to K.A.R. 7-47-1, 7-24-2, 7-28-1, 7-36-6, 6-1-1, 6-1-2, 7-23-2, 7-27-1, 7-36-1, 7-36-2, 7-36-3, and 7-38-1 make incremental updates, improvements, or clarifications to existing regulations. Amending these regulations imposes no economic burdens on county election staff and imposes no environmental impact.

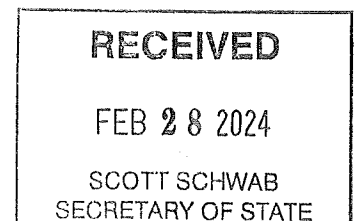
Amendments to K.A.R. 7-23-4, 7-25-1, 7-26-1, and 7-26-2 modify approved certificate formats. Amending these regulations imposes no economic burdens on county election staff and imposes no environmental impact.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to Clay Barker, General Counsel, Office of the Secretary of State, Memorial Hall, 120 SW 10th Ave., Topeka, KS 66612-1594, or to [clay.barker2@ks.gov](mailto:clay.barker2@ks.gov). All interested parties will be given a reasonable opportunity at the hearing to present their views. Additionally, interested parties wanting to participate remotely may contact Clay Barker at [clay.barker2@ks.gov](mailto:clay.barker2@ks.gov) to obtain remote access information. It may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five days in advance of the hearing by contacting Clay Barker at 785-296-3483 or the Kansas Relay Center at 1-800-766-3777.

The proposed regulations are also available on the Secretary of State's website at [www.sos.ks.gov](http://www.sos.ks.gov) / Publications / Kansas Administrative Regulations. Copies of the full text of the regulations and economic impact statements may be obtained at the address above for the Office of the Secretary of State, or by contacting Lara Murphy, Director of Administrative Regulations and Publications, at 785-296-0082 or [lara.murphy@ks.gov](mailto:lara.murphy@ks.gov).

Scott Schwab  
Secretary of State



**6-1-1. Direct expenses.** (a) The direct expenses which shall be apportioned by the county election officer among the subdivisions of government for which elections are conducted shall be those which would not have been incurred but for the conduct of such election, and shall include:

- (1) Publication of legal notices;
- (2) printing of ballots ~~and preparation of voting machines;~~
- (3) preparation, programming and testing of voting equipment, optical scanning equipment, and electronic poll books;
- (4) transportation of voting equipment, optical scanning equipment, and electronic poll books to and from polling places;
- (5) security of voting equipment, optical scanning equipment, and electronic poll books while being moved to and from polling places;
- (6) ~~(4)~~ postage and envelopes, including those for advance by-mail ballots;
- (7) ~~(5)~~ rental and security of polling places, clean-up and similar expenses incurred in the provision of voting places;
- (8) ~~(6)~~ cost of poll books, summary sheets, clerical supplies used at polling places;
- (9) ~~(7)~~ transportation of ballots, delivery of supplies to voting places;
- (10) ~~(8)~~ election judges and clerks for election day and advance in-person voting;
- (11) cost of post-election audits; and
- (12) cost of recounts, if not reimbursed by the candidate.

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(b) The cost of printing of ballots shall be apportioned equally among the subdivisions of government for which ballots are printed, without regard to the length of such respective ballots.

(c) The costs of voting places and election board members shall be borne equally by the subdivisions of government for which elections are conducted at such voting places.

(d) ~~(1)~~ Where voting places are required for one or more, but less than all subdivisions of government, because the geographical areas of all subdivisions are not coextensive, the direct costs of such voting places shall be apportioned only among the subdivisions for which elections are conducted ~~thereat~~. (Authorized by K.S.A. 25-2203; implementing K.S.A. 25-2201; effective, E-73-18, July 1, 1973; effective Jan. 1, 1974; amended P-\_\_\_\_\_.)

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6-1-2. Indirect costs. (a) The indirect costs which shall not be reimbursed to nor apportioned by the county election officer among the subdivisions of government for which elections were conducted shall include the following:

(a)(1) Costs of regular and temporary county election office employees;

(b)(2) Charges for the use of voting machines-equipment, optical scanning equipment, and electronic poll books;

(c)(3) Preparation and/or furnishing of maps;

(d)(4) Costs of rental of office equipment for use in election offices; and

(5) Costs for hospitality including food, beverages, and gifts for election workers.

(b) The cost of preparing and programming voting equipment, optical scanning equipment, and electronic poll books are not indirect costs. (Authorized by K.S.A. 25-2203; implementing K.S.A. 25-2201; effective, E-73-18, July 1, 1973; effective Jan. 1, 1974; amended P- \_\_\_\_\_.)

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**7-21-1. Storage of voting equipment.** (a) As used in this article of this agency's regulations, "voting equipment" shall mean an electronic or electromechanical voting system and electronic poll books, as defined in K.S.A. 25-4401 and amendments thereto, and optical scanning equipment, as defined in K.S.A. 25-4601 and amendments thereto, ~~including and all electronic media used with the system and equipment~~ associated communication equipment, supervisor or administrator devices, ballot activation devices, and storage media.

(b) Each county election officer shall store all voting equipment in a secured facility to prevent unauthorized entry and to ensure that the voting equipment cannot be tampered with or damaged. County election officers shall store voting equipment in only the following places:

- (1) ~~Public buildings; and~~
- (2) ~~business and commercial buildings.~~

(1) The county election officer shall ensure that only election officials or persons authorized by election officials have access to the secured facility.

(A) Access shall be restricted through the use of badges, unique key locks, or an electronic keypad connected to a security monitoring system. The optimal access control system uniquely identifies each person entering the secured facility, authorizes entry, and automatically logs the date and time of entry.

(B) At no time shall a single individual enter the secured facility alone. Access to the secured facility must include a minimum of two people not affiliated with the same political party. Election staff must always accompany and remain with vendors who require access to voting equipment stored in the secured facility.

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(2) The secured facility shall be equipped with monitored entry detection and fire alarm protection as well as temperature control features.

(3) The secured facility's interior may be monitored by video cameras if the video cameras are routinely tested to ensure they are functioning.

(c) The county election officer shall maintain the following records associated with the secured facility:

(1) access logs that list the name, date, time and purpose for each individual entering and exiting the secured facility;

(2) a list of all inspections of the secured facility and functionality checks of any monitoring systems, that include the date, time, inspector's name, and findings;

(3) a current inventory of all voting equipment stored in the secure facility indicating the date any voting equipment was permanently removed from or added to storage in the secured facility;

(4) a check-out and return log containing the date and time when each piece of voting equipment was released from and returned to the secured facility and the reason for its removal;

(5) a usage history for each piece of voting equipment listing the elections in which it was used; and

(6) a repair history for each piece of voting equipment that contains the date and nature of each repair or upgrade.

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The county election officer may destroy those records enumerated in (c)(1) to (4) after 22 months and must retain those records enumerated in (c)(5) and (6) as long as the associated piece of voting equipment is in the possession of the county election officer.

~~(c) Voting equipment in storage shall be locked and secured in such a manner that the equipment cannot be tampered with or damaged. The storage shall be in a place accessible only to election officials or persons authorized by election officials. When voting equipment is delivered to polling places for use on election day, the voting equipment shall be secured with access limited to authorized personnel from the time the equipment leaves the storage facility until its return.~~

(Authorized by and implementing ~~L. 2007, Ch. 125, Sees. 22 and 34~~ K.S.A. 2023 Supp. 25-4415 and K.S.A. 25-4614; effective Jan. 1, 1972; amended P- \_\_\_\_\_.)

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**7-21-2. Voting equipment security.** Each county election officer shall adopt written procedures to secure the voting equipment. Each county election officer shall review these procedures annually. On or before April 1<sup>st</sup> of each year, each county election official shall certify to the Secretary of State that the annual review and update has been completed. These procedures shall include the following requirements: (a) All computers or other devices ~~A computer~~ used to prepare ballots or to program elections and voting equipment used for voting shall ~~not~~ never be connected to the internet. ~~Each networking device on or in the computer~~ All networking adapters or other communication devices inside or connected to the computer or other device shall be disabled except in the case of a server/client election management system environment. In such server/client environments, networking adapters must only be used to facilitate connections between the air-gapped election management system server and the client devices used to access that server.

(b) Each computer or other device used to prepare ballots or to program elections shall be equipped with software, firmware, or an operating system used only for preparing ballots and programming elections. The software, firmware, or operating system shall be certified by the secretary of state. Each computer used to prepare ballots or to program elections shall also contain software relating to system security, including virus protection.

(c) Each computer or other device ~~used to prepare ballots or to program elections~~ shall be accessible only to authorized county election personnel and shall require a ~~password~~ user authentication for access. Each staff person with access shall have unique login credentials. The election programming computer shall be stored in a secure room with controlled access. This also includes maintaining access logs, locks and seals to control and document access to the secured room.

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(d) For each user-initiated event that occurs on a computer or other device used to prepare ballots or to program elections, a log record shall be made of the nature of the event, the date and time of the event, and the person initiating the event.

(e) The election results reported from polling places to the county election office, ~~and the election results reported from the county election office to the secretary of state, shall be sent only by fax, phone, hand-delivery, or encrypted electronic transfer.~~ shall be sent only by hand-delivery or phone. Election results reported from the county election office to the secretary of state shall be sent only by fax, phone, hand-delivery, encrypted electronic transfer, or other secured transmission methods approved by the Secretary of State. (Authorized by and implementing ~~L. 2007, Ch. 125, Secs. 22 and 34 K.S.A. 2023 Supp. 25-4415 and K.S.A. 25-4614; effective Jan. 1, 1972; amended July 7, 2008; amended P-~~ \_\_\_\_\_.)

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7-23-2. Registration records. (a) The county election officer shall ~~keep the records of registration at all times~~ continuously maintain all voter registration records.

(b) To ensure the reliability of all voters' registration, the county election officer shall keep a separate registration list for each precinct and township in the county and shall update each list before each election.

(c) The county election officer shall keep each application for registration in the office of the county election officer. ~~Registrars at voter registration outposts~~ Any person or organization conducting a voter registration effort shall transmit completed registration application forms to the county election officer regularly as specified by the county election officer.

(d) For purposes of requesting an official application for voter registration, a request "in writing" means any written request, including a single written request or a request accompanied by other requests on the same paper. (Authorized by K.S.A. 25-2304 and 25-2309; implementing K.S.A. 25-2309, as amended by L. 1996, ch. 187, § 7; effective Jan. 1, 1972; amended Feb. 21, 1994; amended Jan. 3, 1997; amended P- \_\_\_\_\_.)

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7-23-4. Notice of places and dates of registration. The notice regarding registration required by K.S.A. 25-2310, and amendments thereto, shall be published one time, at least 10 days before the date the registration books will be open additional hours, as provided in K.S.A. 25-2311, and amendments thereto. If late hours are not required, the notice shall be published one time, at least 10 days before the date the registration books will be closed. The publication notice shall be made in the following form:

“NOTICE OF PLACES AND DATES OF REGISTRATION

In compliance with the provisions of K.S.A. 25-2310, notice is hereby given that the books for registration of voters will be open at the following places during regular business hours:

\_\_\_\_\_  
\_\_\_\_\_

Persons who apply for services at voter registration agencies may register at the following places during regular business hours:

\_\_\_\_\_  
\_\_\_\_\_

\*Beginning on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, additional hours of registration will be provided at the following places:

\_\_\_\_\_  
\_\_\_\_\_

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At \_\_\_\_\_ p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the books for registration of voters will close and will remain closed until the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

A citizen of the United States who is 18 years of age or older, or will have attained the age of 18 years at the next election, must register before he or she can vote. Registration is open until the close of business on the 21st day before the election.

When a voter has been registered according to law, the voter shall remain registered until the voter changes name by marriage, divorce or other legal proceeding or changes residence. The voter may reregister in person, by mail or other delivery, when registration is open or the voter may reregister on election day.

Application forms shall be provided by the county election officer or the secretary of state upon request. The application shall be signed by the applicant under penalty of perjury.

In Witness Whereof I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

(SEAL)

County Election Officer

\* If late hours are not required, omit this paragraph.2

(Authorized by K.S.A. 2023 Supp. 25-2310; implementing K.S.A. 2023 Supp. 25-2310 and ~~K.S.A. 25-2311 as amended by L. 2011, ch. 112, § 19~~; effective Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended Sept. 24, 1990; amended Jan. 3, 1997; amended Feb. 24, 2012; amended P-\_\_\_\_\_.)

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**7-24-2. Receipts and records Chain of custody documents.** Receipts and records Chain of

custody documents for election supplies, including ballots and poll books, shall be made and given in the following manner: (a) All ~~receipts~~ chain of custody documents for election supplies, including ballots and poll books, shall be on forms provided by the county election officer so that photocopies are clearly legible. The county election officer shall make provisions for each of the kinds and types of election supplies received by the supervising judge. The forms shall clearly state the township, precinct, and ward on them. ~~Forms used in nonpartisan elections shall clearly state the voting place~~ in-person early voting location or polling place including all precincts assigned to the polling place.

(b) At the time the supervising judge receives election supplies, including ballots and poll books, a ~~receipt~~ chain of custody document shall be made, ~~and signed, and dated~~ by the supervising judge.

(c) Upon the return of the election supplies required by law to be returned to the county election officer, a ~~receipt~~ chain of custody document shall be made, ~~and signed and dated~~ by the county election officer, or the duly authorized deputy, for the supplies returned.

(d) ~~Voting machine keys shall be accounted for as provided in K.S.A. 25-1326 and amendments thereto.~~ Items that shall be included on chain of custody documents are poll books, ballots, party affiliation lists, USB drives, ballot containers, provisional ballot envelopes, returned mail ballots, and miscellaneous supplies.

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(e) ~~Receipts for election supplies submitted substantially in the following form shall be considered sufficient: A chain of custody document, on a form approved by the secretary of state, shall be completed for every remote ballot drop box used in any election.~~

(f) A chain of custody document, on a form approved by the secretary of state, shall be completed each time the U.S. postal service delivers returned ballots or undeliverable ballots.

(Authorized by and implementing K.S.A. 25-2707; effective Jan. 1, 1972; amended March 23, 2001; amended P- \_\_\_\_\_.)

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7-25-1. **Certification.** A certificate of validity shall be made for each copy of the three abstracts of votes cast at each voting place for every election. This certificate shall be printed upon or permanently appended to each abstract. The certificate shall be as follows:

CERTIFICATE FOR ABSTRACT OF VOTES CAST

We, the undersigned, who are all the judges and clerks of the election board of \_\_\_\_\_ (Voting Place) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that the candidates whose names appear in the appended abstracts received the number of votes cast as written opposite their names, and that the votes cast on questions submitted are as therein indicated.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Judges  
\_\_\_\_\_  
\_\_\_\_\_ Clerks

NOTE: Provide as many signature lines as there are judges and clerks. Voting place must be shown by township or precinct and ward for partisan elections. (Authorized by and implementing K.S.A. 25-3006; effective Jan. 1, 1972; amended March 23, 2001; amended P-\_\_\_\_\_.)

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7-26-1. Certificate of nomination. Every certificate of nomination issued by a county election officer shall be in the following form:

CERTIFICATE OF NOMINATION

I, \_\_\_\_\_, County Election Officer of \_\_\_\_\_ County, Kansas, do hereby certify that at the Primary Election in said county on the \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, \_\_\_\_\_ received the highest number of votes cast by the \_\_\_\_\_ party for the office of \_\_\_\_\_ as appears in the official canvass made by the County Board of Canvassers, at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and is therefore entitled to a place on the official ballot as such candidate of said party at the General Election to be held on \_\_\_\_\_, 20\_\_\_\_.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed my official seal, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_

SEAL

County Election Officer

The above certificate may be adapted for city and school elections by omitting any reference to party nomination. (Authorized by and implementing K.S.A. 25-3110; effective Jan. 1, 1972; amended March 23, 2001; amended P- \_\_\_\_\_.)

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7-26-2. Certificate of election. Every certificate of election issued by a county election officer shall be in the following form:

CERTIFICATE OF ELECTION

State of Kansas

County of \_\_\_\_\_

I, \_\_\_\_\_, County Election Officer of \_\_\_\_\_ County, Kansas, do hereby certify that at the General Election held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ was duly elected to the office of \_\_\_\_\_ as appears from the official canvass by the County Board of Canvassers made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed my official seal, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

SEAL

\_\_\_\_\_  
County Election Officer

(Authorized by and implementing K.S.A. 25-3110; effective Jan. 1, 1972; amended March 23, 2001; amended P- \_\_\_\_\_.)

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7-27-1. Maintenance of party affiliation lists. Party affiliation lists shall be maintained according to the following requirements: (a) (1) Before each primary and general election, ~~and in August of odd-numbered years,~~ each county election officer shall certify to the secretary of state the number of members of each party in each precinct of the election officer's county as shown by the party affiliation list and a total number for each party for the county. Before each primary election, the county election officer shall prepare an alphabetical list of electors by surname for each precinct, showing each elector's name, address, and party affiliation.

(2) After each primary election at which national, state, county, township, and, where applicable, city candidates are nominated, the county election officer shall prepare a new party affiliation list for each precinct. The party affiliation list shall include the names of all electors who voted in the primary election, and the names of all electors who have declared their party affiliation as provided by statute.

(b) If at any time a registered voter declares or changes that voter's party affiliation, that declaration or change shall be made on the party affiliation lists. Whenever a voter's name is removed from the registration list as provided by K.S.A. 25-2316c, and amendments thereto, that voter's name shall also be removed from the party affiliation list.

(c) The party affiliation list shall be maintained on the voter registration database by using a computer or data processing system. (Authorized by ~~and implementing~~ K.S.A. 25-3302; implementing K.S.A. 25-3302 and K.S.A. 2023 Supp. 25-3303; effective Jan. 1, 1972; amended Jan. 1, 1974; modified, L. 1978, ch. 451, May 1, 1978; amended Oct. 18, 1993; amended Oct. 1, 2004; amended P- \_\_\_\_\_.)

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**7-28-1. Determination.** In determining the sufficiency of signatures or names on a petition if the specific statute governing the petition does not provide guidance in determining the validity of signatures, the following requirements shall apply: (a) If the last name in the signature on the petition is not spelled identically to the last name in the registration books, the signature shall be considered improper and insufficient.

(b) If a signature contains initials that are consistent with the names or initials as they appear in the registration books and if the last name in the signature on the petition is identical to the last name in the registration books and the address is identical, the signature shall be considered proper and sufficient.

(c) If a signature contains a nickname or abbreviation that is commonly accepted for a given name as it appears in the registration books, including "Wm." or "Bill" for William, and if the last name is identical and the address is identical, the signature shall be considered proper and sufficient.

(d) Prefixes to names including "Mr.," "Mrs.," "Miss," and "Dr.," shall be disregarded.

(e) Notwithstanding any of the requirements in subsections (a) through (d) of this regulation, if there is evidence leading the election officer to believe that any signature is not genuine, the signature shall be considered improper and insufficient.

(f) In all cases not provided for by these requirements, a signature shall be considered proper and sufficient if it bears such a similarity that it reasonably appears to be the same signature as that contained in the registration books.

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(g) Each county election office employee who reviews the sufficiency of signatures on a petition must receive training approved by the secretary of state before determining the validity of a signature. (Authorized by and implementing K.S.A. 25-3604; effective Jan. 1, 1972; amended May 1, 1978; amended March 23, 2001; amended P- \_\_\_\_\_.)

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**7-36-1. Absentee and advance voting ballot envelopes.** (a) In addition to the requirements of K.S.A. 25-1120 and 25-1121, each absentee and advance voting ballot envelope to be signed by a voter shall contain the following statement: "NOTICE TO VOTER: Your (absentee/advance voting) ballot will be separated from this signed (absentee/advance voting) ballot envelope in order to guarantee the confidentiality of your vote."

(b) Absentee and advance voting ballot envelopes shall be preserved in accordance with K.S.A. 25-2708. The envelopes shall be placed in separate envelopes or sacks, appropriately labeled and sealed. Access to the envelopes shall be subject to the provisions of K.S.A. 25-2708 and K.S.A. 25-3107. (Authorized by K.S.A. 25-1131, ~~as amended by 1995 SB 232, section 34,~~ and K.S.A. 25-1225; implementing K.S.A. 25-1120, ~~as amended by 1995 SB 232, section 18,~~ and K.S.A. 25-1219; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995; amended P- \_\_\_\_\_.)

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7-36-2. **Advance voting voter; classification as permanent.** A voter shall not be classified as a permanent advance voting voter by the county election officer unless the voter, or a person on the voter's behalf, has completed in its entirety an application for permanent advance voting voter status. The completed application shall specify the character of the voter's permanent disability or illness and shall be approved by the county election officer. (Authorized by K.S.A. 2023 Supp. 25-1122 and K.S.A. 25-1131, ~~as amended by 1995 SB 232, section 34~~; implementing K.S.A. 2023 Supp. 25-1122, ~~as amended by 1995 SB 232, section 20~~; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995; amended P- \_\_\_\_\_.)

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7-36-3. Advance voting voter; assistance. For purposes of Assisting an elector pursuant to K.S.A. 25-1124(b) and (c), as amended by 1995 SB 232, section 23, the phrase "marking and transmitting an advance voting ballot" shall include, but not be limited to, the following acts: (a) transmitting an unmarked advance voting ballot to an elector;

(b) aiding assisting the elector in marking the advance voting ballot;

(c) transmitting the marked ballot to the county election officer by moving the envelope containing the marked ballot to a U.S. postal service container, county remote secure ballot container, secure ballot container at a polling place, or the county election office; or

(d) any combination of the above acts. (Authorized by K.S.A. 25-1131, as amended by 1995 SB 232, section 34; implementing K.S.A. 2023 Supp. 25-1124, as amended by 1995 SB 232, section 23; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995; amended P- \_\_\_\_\_.)

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7-36-6. Advance voting list with voting place. (a) Each county election officer shall adopt procedures to prevent a voter from casting both an advance by mail or in-person voting ballot and a regular ballot during in-person advance voting and at the voter's polling place on election day.

(b) The procedures shall include, but not be limited to, ~~updating the poll books by adding the names of voters who returned advance voting ballots after the poll books were prepared to the list of names of all advance voting voters from whom advance voting ballots were received by the time~~ the following acts:

(1) During early advance voting (in person and by mail), transferring data nightly from electronic poll books to state voter registration software to update voter history for in-person and newly issued and returned mail ballots.

(2) Before election day, updating paper rosters and/or electronic poll books by adding the names of voters who voted in person and/or returned advance voting mail ballots after the poll books were prepared. (Authorized by K.S.A. 25-1131, as amended by 1995 SB 232, section 34; implementing K.S.A. 25-1126, as amended by 1995 SB 232, section 30; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995; amended P-  
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**7-38-1. National voter registration act; systematic list maintenance; national change of address files.** (a) ~~In April of~~ Once each calendar year, the chief state election official shall

complete a check of the United States postal service national change of address files using the list of registered voters maintained in the state's central voter registration voter database.

(b) If the county election officer chooses to participate in the national change of address program instead of conducting mass or targeted mailings, the chief state election official shall send the name of each registered voter for whom records from the national change of address files indicate a change of address to the county election officer of the county where the voter is registered, as indicated on the central voter registration database.

(c) A county election officer shall send a confirmation mailing as prescribed by K.S.A. 25-2316c and amendments thereto to any registered voter for whom records from the national change of address files indicate a change of address. The confirmation mailing shall be sent when the county election officer receives the information described in subsection (b). If the records indicate a change of address within the county where the voter is registered, the county election officer shall change the voter's address to the new address before sending the confirmation mailing. (Authorized by and implementing K.S.A. 25-2354; effective Jan. 3, 1997; amended March 23, 2001; amended P- \_\_\_\_\_.)

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7-47-1. Postelection audit implementation. The requirements of this regulation shall not apply to local question elections or mail-ballot elections pursuant to K.S.A. 25-431 through 25-441 and amendments thereto.

(a) As used in K.S.A. 25-3009 and amendments thereto, the term "unofficial election night returns" shall include ballots cast and counted on election day, ballots cast in advance and counted on election day, and ballots cast by means of the uniformed and overseas citizens absentee voting act (UOCAVA) procedures and counted on election day. This term shall not include any ballots cast that are challenged or marked as provisional or any ballots that are cast in advance and received after election day.

(b) Each county election officer shall complete the training provided by the secretary of state. As specified in K.S.A. 25-3009 and amendments thereto, each county election officer shall provide training to the election board conducting the postelection audit. The training shall include the identification of voter intent specific to the vote-casting technologies in use across Kansas.

(c)(1) An auditable race and precinct shall be a race and precinct meeting the requirements in K.S.A. 25-3009, and amendments thereto, for an audit to be conducted. The random selection of races and precincts shall take place in a public setting, and the procedure to randomize the selection of races and precincts shall be determined solely by each county election officer and the secretary of state but must use a physical random method and not an electronic random number generator. Upon completion of the audit, each election board shall transmit to the secretary of state and the county election office the results of the audit no later than 48 hours before the meeting of the county board of canvassers.

(2) In even-year elections, within 24 hours of the closing of the final polling location in Kansas, the list of randomly selected races to be audited shall be transmitted by the secretary of state to each

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county election officer. Each county election officer shall examine each race in the order specified until an auditable race is determined. Each county election officer shall then randomly select one percent of the total county precincts from the subset of auditable precincts. If no contested race exists, the election board shall audit the first race listed.

(3) In odd-year elections, each county election officer shall randomly select the races and then each precinct to be audited.

(d) Ballot images may not be used for the manual audit-if imaging technology exists during the ~~tabulation process on election night~~. (Authorized by and implementing K.S.A. ~~2022 Supp.~~ 2023 Supp. 25-3009 and K.S.A. ~~2022 Supp.~~ 2023 Supp. 25-2912; effective, T-7-6-26-19, June 26, 2019; effective Sept. 27, 2019; amended Oct. 13, 2023; T-\_\_\_\_\_, \_\_\_\_\_; amended P-\_\_\_\_\_.)

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**Section I**

Brief description of the proposed rule(s) and regulation(s).

After several election bills were enacted into law in 2022 and 2023, the Office of Secretary of State conducted a systematic review of all election regulations. This resulted in the proposed amendments to 17 current regulations. Four amendments substantially enhanced election security; nine amendments updated older regulations, and four amendments changed what was an image in the regulation into words. See Attached List

**Section II**

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There is no applicable federal law. The proposed overall regulatory approach is like that used by states that have decentralized election structures like Kansas.

**Section III**

Agency analysis specifically addressing the following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;  
None

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

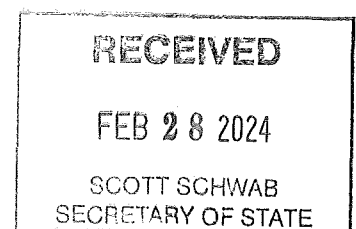
None of the 17 regulations will have any costs for businesses, rate payers, or individuals.

15 of the regulations will have no or miniscule implementation and compliance costs for local government.

The proposed changes to KAR 7-21-1 and KAR 7-21-2 mandate upgrades to the physical and cyber security of election equipment. Currently, the agency's best estimate of the total cost to bring all 105 counties up to the new regulatory security infrastructure standards is \$500,000. For those counties not already meeting the standards, the estimated cost is between \$5,000 and \$10,000 per county.

The Secretary of State will use its federal HAVA (Help America Vote Act) security grant money as matching funds to defray the costs to the counties for these security upgrades. The intent is for the grant to pay 90% of the cost and county pay 10% of its total upgrade cost.

The grants, however, will also fund county security election infrastructure improvements that go beyond the minimum standards imposed by the new regulations.



C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
None

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
There are multiple benefits to updating the regulations. The minimum acceptable security infrastructure will be substantially enhanced. Additional chain of custody requirements will be required for election supplies. Administrative process regulations will have timing issues resolved to match current best practices. Additional provisions were added to adapt older procedures to new types of equipment.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
Our office reviewed the proposed regulation with the county election officers and incorporated their comments and advice.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$500,000 statewide total. The Secretary of State will develop a matching funds program to defray about 90% of the county costs by using federal grant money.

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**  
(sum of above amounts)

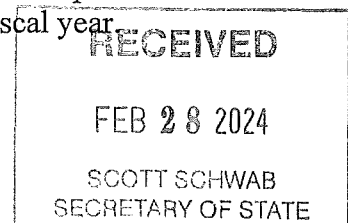
Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The methodology was to ask counties to provide initial estimates of the cost to bring their election security infrastructure up to the new regulatory standards. The best estimate is that the counties that do not already meet the new regulatory requirements would spend between \$5,000 and \$10,000 each to bring their security infrastructure up to the new standards.

- Yes
  - No
  - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.



None

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

None

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

None

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

We conferred with individual county election officers and their association regarding all 17 proposed regulations.

**Section IV**

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

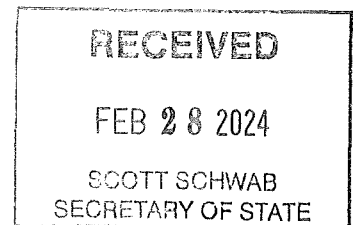
Click here to enter agency response.

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

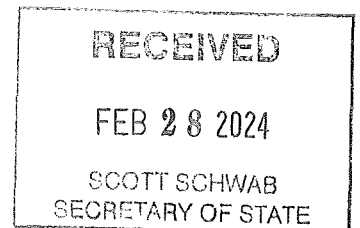
C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.



D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)



Regulation	Regulation Name	Change	Degree of Change
KAR 6-1-1	Direct Expenses	Based on 30 years of experience, adds detail as to what would be direct expenses and thus reimbursable to county election officers	Updating
KAR 6-1-2	Indirect Expenses	Based on 30 years of experience, adds detail as to what would be indirect expenses and <i>not</i> reimbursable to county election officers.	Updating
KAR 7-21-1	Storage of voting equipment	Adds multiple new standards for the physical security of stored election equipment	Substantial Enhancement
KAR 7-21-2	Voting equipment security	Adds multiple new standards for the operational security of election equipment	Substantial Enhancement
KAR 7-23-2	Registration records	Clarifies that regulation applies to anyone registering voters.	Updating
KAR 7-23-4	Notice of places and dates of registration	Changed image to words, so it can be copied by cut & paste.	Format Change
KAR 7-24-2	Receipts and records	Adds additional chain of custody requirements to cover new types of materials and related procedures.	Substantial Enhancement
KAR 7-25-1	Certification	Changed image to words, so it can be copied by cut & paste.	Format Change
KAR 7-26-1	Certificate of nomination	Changed image to words, so it can be copied by cut & paste.	Format Change
KAR 7-26-2	Certificate of election	Changed image to words, so it can be copied by cut & paste.	Format Change
KAR 7-27-1	Maintenance of party affiliation lists	Addressed timing issues related to party list maintenance	Updating
KAR 7-28-1	Determination	Requires only trained individuals can review sufficiency of petition signatures	Updating
KAR 7-36-1	Absentee and advance voting ballot envelopes	Edit to mail ballot envelope	Updating
KAR 7-36-2	Advance voting voter; classification as permanent	Requires county election officer to personally approve adding a voter to the permanent advance voter list.	Updating
KAR 7-36-3	Advance voting voter; assistance	Defines "assisting" a voter regarding mail ballot voting.	Updating
KAR 7-36-6	Advance voting list with voting place	Enhanced procedures to prevent voting by mail and in person	Substantial Enhancement
KAR 7-38-1	National voter registration act; systematic list maintenance; national change of address files	Changed time for conducting national change of address list updates to voter registration lists.	Updating

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**Proposed**

# Kansas Administrative Regulations Economic Impact Statement (EIS)

Secretary of State  
Agency

Clayton Barker  
Agency Contact

785-296-3483  
Contact Phone Number

K.A.R. 7-47-1

Permanent     Temporary

K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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**Section I**

Brief description of the proposed rule(s) and regulation(s).

Deleting one paragraph of the regulation to comply with an Attorney General Opinion interpreting the underlying statute

**Section II**

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

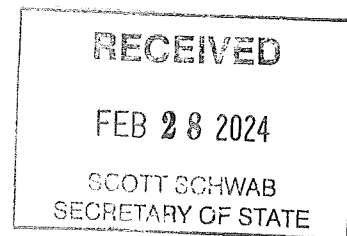
There are no applicable federal laws

**Section III**

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;  
None
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;  
None
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
None
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
Not Applicable
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
Not applicable

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F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$Unknown

Costs to Members of the Public – \$0

**Total Annual Costs – \$Unknown\**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

This change affects three counties- we asked for an estimate

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

\$0

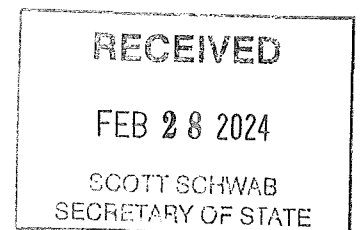
Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

\$0

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

\$0

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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Not applicable

**Section IV**

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)

