

Section B

U.S. ELECTION ASSISTANCE COMMISSION



2008 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable).

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks legal standing but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

The term over-vote is not in state law. But the concept is referred to as follows:

KSA 25-3002(b)(2)(A) Whenever a voting mark shall be made in the square at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.

KSA 25-4613 contains requirements for optical scan systems. It says in subsection (g): ...shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast. And in subsection (h): ...shall provide notification when the voter has cast more votes for such office or upon such question than the voter is entitled to cast.

KSA 25-4406 contains requirements for direct recording electronic voting systems. It says in subsection (e): ...shall afford the voter an opportunity to vote for any or all candidates for an office fo whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office.

And in subsection (i): ...shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast.

[End definition (a) above this line.]

b. Under-vote

[Begin definition (b) below this line.]

The term under-vote is not in state law.

[End definition (b) above this line.]

c. Blank ballot

[Begin definition (c) below this line.]

The term blank ballot is not defined in state law.

KSA 25-3003 contains a reference in subsection (b), which says: Ballots marked "blank," "void" or "objected to" shall not be strung or fastened with other ballots.

[End definition (c) above this line.]

d. Void/Spoiled ballot

[Begin definition (d) below this line.]

This term is not defined in state law but there are references to it.

KSA 2007 Supp. 25-409, subsection (b): If a person is challenged pursuant to K.S.A. 25-414, and amendments thereto, such person shall be permitted to subscribe the application for registration and mark a ballot. The person shall then execute the affirmation prescribed in subsection (c) of this section before a member of the election board and the ballot shall thereupon be sealed in an envelope. The judges shall write on the envelope the word "provisional" and a statement of the reason for the challenge, and that the ballot contained in the envelope is the same ballot which was challenged pursuant to K.S.A. 25-409 *et seq.* and amendments thereto. Such statement shall be attested by two of the judges. The judges shall attach the application for registration to the envelope containing the provisional ballot. The envelope shall be numbered to correspond to the number of the provisional voter's name in the registration or poll book, and the word "provisional" shall be written following the voter's name in the poll book. The judges shall provide written information stating how the voter may ascertain whether the voter's provisional ballot was counted and, if such ballot was not counted, the reason therefor. Such provisional ballots, together with objected to and void ballots packaged in accordance with K.S.A. 25-3008, and amendments thereto, shall be reviewed by the county board of canvassers at the time prescribed for canvassing votes, and such board shall determine the acceptance or rejection of the same. The county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns. (KSA 2007 Supp. 25-409, KSA 2007 Supp. 25-3008)

KSA 25-3001, subsection(d):

Void and blank ballots shall be announced by the judge, and the clerks shall make one tally mark for each such ballot opposite the proper designation on the tally sheet.

KSA 25-3003, subsection (b): Ballots marked "blank," "void" or "objected to" shall not be strung or fastened with other ballots.

KSA 2007 Supp. 25-3008, subsections (a), (b) (e) and (f):

(a) All ballots both voted and unvoted, except void, objected to and provisional ballots, shall be placed in bags or sacks. Such bags or sacks shall be sealed and appropriately labeled. The method of sealing and labeling shall be a method approved by the secretary of state and directed by the county election officer.

(b) Ballots that are spoiled and returned by the voter shall be marked "spoiled" on the back thereof and shall be placed in the bags or envelopes specified in subsection (a) of this section.

(e) Objected to ballots shall be placed in an appropriately labeled envelope, and shall be sealed as in subsection (a) of this section.

(f) Ballots that are cast but not counted shall be marked "void" on the back thereof and shall be placed in the same envelope that contains objected to ballots.

[End definition (d) above this line.]

e. Provisional/Challenged ballot

[Begin definition (e) below this line.]

KSA 2007 Supp. 25-409, subsections (a) and (b):

a) If any person challenged pursuant to K.S.A. 25-414, and amendments thereto, shall refuse to subscribe the application for registration pursuant to K.S.A. 25-2309, and amendments thereto, the judges shall reject such person's vote.

(b) If a person is challenged pursuant to K.S.A. 25-414, and amendments thereto, such person shall be permitted to subscribe the application for registration and mark a ballot. The person shall then execute the affirmation prescribed in subsection (c) of this section before a member of the election board and the ballot shall thereupon be sealed in an envelope. The judges shall write on the envelope the word "provisional" and a statement of the reason for the challenge, and that the ballot contained in the envelope is the same ballot which was challenged pursuant to K.S.A. 25-409 *et seq.* and amendments thereto. Such statement shall be attested by two of the judges. The judges shall attach the application for registration to the envelope containing the provisional ballot. The envelope shall be numbered to correspond to the number of the provisional voter's name in the registration or poll book, and the word "provisional" shall be written following the voter's name in the poll book. The judges shall provide written information stating how the voter may ascertain whether the voter's provisional ballot was counted and, if such ballot was not counted, the reason therefor. Such provisional ballots, together with objected to and void ballots packaged in accordance with K.S.A. 25-3008, and amendments thereto, shall be reviewed by the county board of canvassers at the time prescribed for canvassing votes, and such board shall determine the acceptance or rejection of the same. The county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns. (KSA 2007 Supp. 25-409, KSA 2007 Supp. 25-414, KSA 2007 Supp. 25-3008)

KSA 2007 Supp. 25-414, subsections (a), (b) and (c):

(a) It shall be the duty of each judge of election to challenge any person offering to vote, whom the judge shall know or suspect not to be qualified as an elector.

(b) A person who: (1) Has moved from an address in the registration book to another address in the same county; or (2) has not moved, but the registration list indicates otherwise, is a qualified elector, but shall be challenged by an election judge and entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto. (KSA 2007 Supp. 25-106, KSA 2007 Supp. 25-409)

(c) Any person who votes after the polling place hours prescribed in K.S.A. 25-106, and amendments thereto, pursuant to a court or other order is entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.

There are various other references to provisional ballots in state laws but they do not contain definitions.

[End definition (e) above this line.]

f. Absentee

[Begin definition (f) below this line.]

In 1995 Kansas changed from an absentee voting system to an advance voting system, which is a no-excuse absentee system. Any registered voter may choose to vote an advance ballot either by mail or in person.

The only remaining references to absentee voting are in the statutes governing federal services, or UOCAVA, voting.

KSA 25-1215:

Every person in federal services who is eligible to register for and is qualified to vote at any general election under the laws of this state and who is absent from his place of residence in this state shall be entitled, as provided in this act, to vote by federal services absentee ballot at any primary or general election held in his election district or precinct, notwithstanding any provision of law relating to the registration of qualified voters.

[End definition (f) above this line.]

g. Early voting

[Begin definition (g) below this line.]

The term early voting is not in Kansas law. It is generally understood to mean in-person advance voting.

KSA 2007 Supp. 25-1122, subsection (a):

(a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

The term active voter is not mentioned in state law. It is generally understood to mean any voter on the official voter registration list who is not an inactive voter.

[End definition (h) above this line.]

i. Inactive Voter

[Begin definition (i) below this line.]

The term inactive voter is not mentioned in state law. Kansas uses the definition from the federal National Voter Registration Act of 1993. The circumstances leading to a designation of inactive are discussed in KSA 2007 Supp. 25-2316c, subsections (d) and (e):

(d) A registrant shall not be removed from the registration list on the ground that the registrant has changed residence unless the registrant:

(1) Confirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction; or

(2) has failed to respond to the notice described in subsection (e)(4) and has not appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

(e) A county election officer shall send a confirmation notice upon which a registrant may state such registrant's current address, within 45 days of the following events:

(1) A notice of disposition of an application for voter registration is returned as undeliverable;

(2) change of address information supplied by the national change of address program identifies a registrant whose address may have changed;

(3) if it appears from information provided by the postal service that a registrant has moved to a different residence address in the county in which the registrant is currently registered; or

(4) if it appears from information provided by the postal service that a registrant has moved to a different residence address outside the county in which the registrant is currently registered.

The confirmation notice shall be sent by forwardable mail and shall include a postage prepaid and preaddressed return card in a form prescribed by the chief state election official.

[End definition (i) above this line.]

j. Other terms (please specify) __Suspended voter and Suspense voter_____

[Identify each TERM and definition separately and begin below this line.]

A suspended voter is one who has not voted in the two preceding federal or state general elections. KSA 2007 Supp. 25-2304(b) states:

(b) The secretary of state shall establish a centralized voter registration database. Such database shall include all necessary voter registration information from every county within the state of Kansas. The secretary of state shall include in such database a list of active voters and a separate list of voters who have failed to vote at two consecutive state or national general elections or who have failed to respond to a confirmation notice sent pursuant to subsection (e) of K.S.A. 25-2316c, and amendments thereto.

A suspense voter is one whose application for registration was incomplete. The voter's information is recorded with the status of suspense pending receipt of the missing information.

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any **significant** changes to election laws or procedures that have been enacted or adopted since the previous Federal election. By “significant,” we do not mean routine or technical changes (such as changes to election district boundaries or polling place changes). However, we would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

[Begin response to above question (A2) below this line.]

In 2007 the Kansas Legislature passed a law allowing any county the option of conducting satellite advance voting. This means they may open sites for in-person advance voting at locations other than the county election office up to 20 days before any election. Previously only the two most populous counties had this option. KSA 2007 Supp. 25-1122, subsection (f):

Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

In any county having a population exceeding 250,000, the county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such. Such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

In 2008 the Kansas Legislature passed K.S.A. 2008 Supp. 25-2812 (effective January 1, 2010) allowing each county the option of sending mobile election boards to conduct advance voting at nursing homes, assisted living facilities and long-term care facilities.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

[Begin response to above question (B1) below this line.]

The Kansas system is top-down.

[End response to above question (B1) above this line.]

If your state has a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

[Begin response to above clarification question to B1 below this line.]

N/A.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

[Begin response to above question (B2) below this line.]

See Section A1i above for the method for moving voters from active to inactive status. Any inactive voter who votes or otherwise contacts the county election office during the period when cancellation of his/her registration is pending due to the mailing of a confirmation notice is moved from inactive to active status.

UOCAVA voters are not required to be registered voters. If they are, however, they may be inactive according to the same reasons as other registered voters. If they do not register to vote, they are categorized separately in the voter registration database as UOCAVA voters and not subject to the inactive designation.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

[Begin response to above question (B3) below this line.]

The reasons for removing voters from the voter registration rolls are in KSA 2007 Supp. 25-2316c, subsections (d), (f) and (g):

(d) A registrant shall not be removed from the registration list on the ground that the registrant has changed residence unless the registrant:

(1) Confirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction; or

(2) has failed to respond to the notice described in subsection (e)(4) and has not appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

(f) Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books and the party affiliation lists. Whenever (1) an obituary notice appears in a newspaper having general circulation in the county reports the death of a registered voter, or (2) a registered voter requests in writing that such voter's name be removed from registration, or (3) a court of competent jurisdiction orders removal of the name of a registered voter from registration lists, or (4) the name of a registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a death certificate provided by the secretary of health and environment, or appears in information provided by the social security administration, the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the name of any person shown by such list or death certificate to be deceased. The county election officer shall not use or permit the use of such lists of deceased residents or copies for any other purpose than provided in this section.

(g) When the chief state election official receives written notice of a felony conviction in a United States district court, such official shall notify within five days the county election officer of the jurisdiction in which the offender resides. Upon notification of a felony conviction from the chief state election official, or from a county or district attorney or a Kansas district court, the county election officer shall remove the name of the offender from the registration records.

Also, voters may be removed upon receipt of notice from another jurisdiction that they have moved and re-registered in another state.

The rules apply to UOCAVA voters if they are registered voters. If they are not registered voters, UOCAVA voters' records are removed when the effective period of their FPCAs expires.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

[Begin response to above question (B4) below this line.]

The Kansas voter registration database has three interfaces as required by HAVA. It interfaces with the Kansas Department of Corrections to identify and remove felons. It interfaces with the Kansas Department of Health and Environment to identify and remove deceased persons. It interfaces with the Division of Motor Vehicles in the Kansas Department of Revenue to verify records against the driver's license database and against the Social Security Administration through AAMVA.

Further, we recently implemented an electronic motor-voter program in which DMV collects voter registration and change of address information electronically and transmits it to the voter registration database, which requires an interface with DMV.

In December, 2008, we will implement an enhancement of the electronic motor-voter program when we deploy an online voter registration system. This program is being built on the interface with DMV.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with using NCOA?

[Begin response to above question (B5) below this line.]

According to state law, the Secretary of State conducts an annual check of the voter registration records using the NCOA file. We have a contract with an approved vendor for this process. The match information is sent to each county election officer, where confirmation notices are sent to voters who it appears have moved out of the county or state.

Each county has the option under the law of using mass or targeted mailings in addition to or in lieu of the NCOA information to identify outdated addresses.

The state's experience with NCOA is that it does identify many voters whose addresses have changed, but like any database it has errors in it. Sometimes election officials have more recent information than NCOA, sometimes a single person's address change is applied to a family, sometimes a family's address change is applied to only a single person. These types of inaccuracies create administrative difficulties and increased expenses and lead to more provisional ballots.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

[Begin response to above question (B6) below this line.]

The Kansas Constitution prohibits convicted felons from voting (KS Const. Art. 5, Sec. 2). Their names are removed from the voter registration rolls upon receipt of notice of the conviction, and they may not vote until discharged from the correctional system. They may not vote as long as there is any part of the sentence remaining, including parole, probation or community service.

Upon discharge, the ex-felon is not automatically restored to the voter registration rolls. He/she must re-register to vote.

No documentation is required, but when they re-register they sign an affidavit on the voter registration application form stating that they are qualified to vote, and signing a false affidavit is a felony (KSA 2007 Supp. 25-2316c).

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

[Begin response to above question (B7) below this line.]

The electronic motor-voter program described in item B4 above includes an online change of address site where voters who are driver's license holders may submit changes of address electronically.

That program will be expanded in December, 2008 to include an online registration function in addition to the online change of address function.

The regular voter registration application form is provided on the web site in a fillable format, so the applicant may type in all the information except the signature, print the form, sign it and mail, deliver or fax it to the election office.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

[Begin response to above question (a) below this line.]

Advance ballots cast by mail or cast in person at a satellite advance site or in the county election office are tabulated centrally. The county election officer appoints a special advance voting board to count the votes on these ballots.

When a voter casts a provisional ballot on election day in a precinct other than where the voter lives and is registered, the provisional ballot is presented to the county board of canvassers along with other provisional ballots for determination of the validity of the ballot. If valid, it is then counted centrally at the county election office.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

[Begin response to above question (b) below this line.]

State law does not require them to be allocated to the appropriate precincts for reporting in the official abstract of votes cast. The Secretary of State encourages them to be allocated to the precincts, but not all counties do so.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

[Begin response to above question (c) below this line.]

The Secretary of State recommends these votes be reported with the other precinct results as a single number, but it is not required by law and some counties report them as separate totals.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

[Begin response to above question (d) below this line.]

Due to the early 45-day distribution deadline, most UOCAVA ballots are separately produced paper ballots. They are hand counted and manually added into the other election results for reporting purposes. They are not reported separately.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

[Begin response to above question (C2) below this line.]

No. The Kansas advance voting system is essentially a no-excuse absentee voting system. The voter has a choice of voting by mail or in person up to 20 days before the election.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

[Begin response to above question (C3) below this line.]

The in-person advance voting operates like early voting. In most counties it is done in the county election office, but a recent state law allows each county the option of establishing satellite advance voting sites.

In-person advance voting is defined as an advance ballot which is requested in person by the voter.

The ballots are counted at the central location. All advance vote totals are reported with the regular election results. Some counties report advance votes as a separate total; some report them allocated to their respective precinct totals.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

[Begin response to above question (C4) below this line.]

No. This is not authorized by state law.

State law does provide for an all-mail ballot option for local question submitted elections, but not for candidate elections and not for state- or national-level elections. This law has been in place since 1983.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

[Begin response to above question (C5) below this line.]

If the person's qualifications to vote are in question. KSA 2007 Supp. 25-414(a).

If the person has moved within the county. KSA 2007 Supp. 25-414(b).

If the person votes after regular polling place hours. KSA 2007 Supp. 25-414(c).

If the person votes in a precinct other than where registered. KSA 2007 Supp. 25-3002(b)(3).

If an advance voter fails to sign the ballot envelope. KSA 2007 Supp. 25-3002(b)(7) and KSA 25-1136(b).

If a first-time voter fails to provide identification. KSA 2007 Supp. 25-3002(b)(8).

If a person's name and/or address do not match the poll book. KSA 2007 Supp. 25-2908(e).

If a person's name is not on the poll book. KSA 2007 Supp. 25-2908(f).

If a person received an advance ballot by mail before the election and goes to the poll to vote on election day. KSA 2007 Supp. 25-2908(g).

If an advance voter's signed statement is insufficient. KSA 25-1136(a).

If an advance voter dies after casting a ballot. KSA 25-1136(c).

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

[Begin response to above question (C6) below this line.]

If a voter casts a provisional ballot in a precinct other than where the person lives and is registered, the law calls for the county to count a partial provisional ballot. See KSA 2007 Supp. 25-3002(b)(3).

The county election officer collects any such ballots and presents them along with other provisional ballots to the county board of canvassers. The board determines if each ballot is valid. Those that are deemed valid are opened and counted, and the results are added to the rest of the election results.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

[Begin response to above question (C7) below this line.]

Kansas laws do not prescribe post-election audits. There is a public test of voting equipment required in each county before the election and another test after the election, but it is not an audit of the election results.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

[Begin response to above question (C8) below this line.]

Kansas law in KSA 2007 Supp. 25-2706 requires each county election officer to provide printed instructions to voters. It is recommended by the Secretary of State, but not required, that they provide instruction personally in a training session held before the election.

The Secretary of State is required to specify the form and contents of the instructions to poll workers.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

[Begin response to above question (D1) below this line.]

Some votes are cast on DREs, some on central count optical scan system, some on precinct count optical scan systems, and some on hand-counted paper ballots. DREs and precinct count optical scan systems prevent overvotes and notify the voter of undervotes, giving the voter an opportunity to correct them. Central count optical scan systems and hand-counted paper ballot systems do not provide an opportunity for the voter to correct the ballot before casting it, so the election officials in polling places using these types of systems have voter education systems to comply with the second chance voting requirement of HAVA. Poll workers provide this information any of three ways: (1) reading the information to each voter, (2) handing each voter printed information, or (3) posting the information conspicuously where the voter will see it before casting the ballot, such as in the voting booth.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

[Begin response to above question (a) below this line.]

Under Kansas law, the voter registration applicant must sign an affidavit on the voter registration application form stating that they meet the qualifications to vote. Registrants who have not previously voted in the county where they are registering must also provide identification either (1) when registering or (2) at some time after registering or (3) when voting, or (4) after voting a provisional ballot they may provide identification to the county election office before the county canvass of the election.

[End response to above question (a) above this line.]

b. casting an in-person ballot;

[Begin response to above question (b) below this line.]

Each voter must sign a poll book before voting in person. First-time voters in the county who have not previously provided identification must provide it when voting.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

[Begin response to above question (c) below this line.]

Each voter must sign a ballot application form and also sign a statement on the return envelope.

First-time voters in the county must submit identification if they have not previously done so.

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

[Begin response to above question (d) below this line.]

UOCAVA voters must sign the FPCA and must sign the return envelope. If returning the ballot by fax, they must sign a return form containing a statement waiving their right to privacy.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

[Begin response to above question (e) below this line.]

N/A.

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

[Begin response to above question (D3) below this line.]

Kansas law states that polling places are under the control of the county election officer and the supervising judge at each site. The Secretary of State provides general information and recommendations about policies.

Many groups seeking to visit polling places first contact the Secretary of State, although they are not required to do so by law. The Secretary of State informs such groups of the general rules, then puts them in contact with the county election office, who informs them of the county-specific policies.

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to have in place administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

[Begin response to above question (E1) below this line.]

No revisions since the procedures were adopted in 2004.

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

[Begin response to above question (E2) below this line.]

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 3/31/09). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.