U.S. ELECTION ASSISTANCE COMMISSION

2016 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 EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands 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

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 to whom the voter is by law entitled to vote and no more, and at the same time shall prevent the

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term under-vote is not in state law.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

K.S.A. 25-3001(d) Void and blank ballots shall be announced by the judge, and the clerks shall make one tally mark for such ballot opposite the proper designation on the tally sheet.

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

This term is not defined in state law but there are references to it.
KSA 2011 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

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

KSA 2011 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

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term early voting is not in Kansas law. It is generally understood to mean in person advance voting.
KSA 2011 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.

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term active voter, as used in NVRA, 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. KSA 25-2304(b), as cited below in Section j, contains a reference to active voters, but it is a different use of the term active, not consistent with the term as used in NVRA. It refers to a person who has failed to vote in two consecutive federal general elections.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 2011 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

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A suspended voter is one who has not voted in the two preceding federal or state general elections. KSA 2011 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. The term suspense is not defined or referenced in state law. It is a function of the statewide voter registration database.

2016 Response:

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. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC 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.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Two changes have occurred since 2012 regarding party affiliation and voting in the state primary election held on the first Tuesday of August in even-numbered years:
A law passed in 2014, found in 2014 Kansas Session Laws Chapter 2, prohibits registered voters who are affiliated with parties from changing party affiliations during a period dating from the candidate filing deadline before the primary (defined as noon on June 1) and the state-level certification of the primary election results (occurs in late August; statutory deadline September 1). Although the law prohibits party affiliation changes, it still allows unaffiliated voters to join a party and vote the ballot of the party they have chosen, including when they go to the polls on election day to vote.
A policy change by the Kansas Democratic Party requires voters to be affiliated with the party before receiving the party's ballot at the primary election. Since 2004, the Democratic Party had allowed voters who are affiliated with the party or unaffiliated voters to vote in the primary; beginning in 2014 unaffiliated voters must first officially affiliate with the party before receiving a ballot. This policy of the Democratic Party now is the same as the policy of the Republican Party, which has since 2004 required voters to affiliate with the Republican Party before voting the party ballot in the primary.
In 2011 the Kansas Legislature enacted the Secure and Fair Elections (SAFE) Act. (2011 House Bill 2067)
The SAFE Act includes the following general principles:
1. Photo ID—Each voter must provide photographic identification when voting, with certain specific exceptions.
KSA 25-2908 Exceptions to the photo ID requirement:
Voters who sign statements declaring religious objections to photographic identification
Voters with permanent illnesses or disabilities who are on the permanent advance voting list, which means they are automatically mailed advance ballots each election
Voters receiving ballots in mail ballot elections. These are question-submitted elections conducted by all-mail balloting procedures at the option of the local
governing body.
Voters applying for ballots under UOCAVA
2. Identification for advance voters—Under Kansas law, any registered voter may vote in advance by mail or in person up to 20 days before an election. Under SAFE, inperson advance voters must provide photo ID the same as election-day voters at the polling place. Advance voters casting their ballots by

2016 Response:

In the 2015 legislative session, three significant changes were made concerning election laws and procedures.

1) The Kansas Secretary of State, along with the Kansas Attorney General, was granted prosecutorial authority to prosecute election crimes. Previously, this authority was granted only to local prosecutors. - 2015 Session Laws, Chapter 87

2) The Presidential Preference Primary was permanently canceled. A Presidential Preference Primary has only been conduced twice - 1980 and 1992. In subsequent years, the Primary was either not funded or temporarily canceled. - 2015 Session Laws, Chapter 88.

3) All municipal elections (city, school, community college, many special districts) are moved from the spring to the fall with the General Election taking place on the first Tuesday following the first Monday in odd years. (There are some cities that also have elections in even years). - 2015 Session Laws, Chapter 88.

In 2016, a change was made to conduct elections for members of the judicial nominating commissions. The Secretary of State's office now administers those elections. - 2016 Session Laws, Chapter 93

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
The Kansas system is top-down	

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
N/A.	

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The reasons for removing voters from the voter registration rolls are in KSA 2011 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

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's 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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.
In August, 2008, we 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 July, 2009, we implemented an enhancement of the electronic motor-voter program and provided an online voter registration system. This program was built on the interface with DMV.

2016 Response:

All of the interfaces described are from the other state agencies to the statewide voter registration database. The statewide voter registration database does not share information back to other state agencies.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 2011 Supp. 25-2316c).

2016 Response:

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.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 was enhanced in July, 2009 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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

In 2016, all votes were redirected to the appropriate precinct for reporting in the county canvass.

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?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

In 2016, no county reported absentee, provisional, or mail votes separately by precinct. The precinct level reports contain one number for every vote cast in that precinct, regardless of method cast.

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA voters receive their ballots from and return their voted ballots to the county election offices with whom they filed their FPCAs. County election officers collect and tabulate the ballots with other advance voting ballots. If possible, UOCAVA ballots are prepared at the same time as all other ballots. However, due to the early 45-day distribution deadline, sometimes UOCAVA ballots are separately produced paper ballots. In such cases they are hand counted and manually added into the other election

2016 Response:

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If the person's qualifications to vote are in question. KSA 2011 Supp. 25-414(a).
If the person has moved within the county. KSA 2011 Supp. 25-414(b).
If the person votes after regular polling place hours. KSA 2011 Supp. 25-414(c).
If the person votes in a precinct other than where registered. KSA 2011 Supp. 25-3002(b)(3).
If an advance voter fails to sign the ballot envelope. KSA 2011 Supp.25-3002((b)(7) and KSA 25-1136(b).
If a first-time voter fails to provide identification. KSA 2011 Supp. 25-3002(b)(8).
If a person's name and/or address do not match the poll book. KSA 2011 Supp. 25-2908(e).
If a person's name is not on the poll book. KSA 2011 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 2011 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).

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 2011 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.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Kansas law in KSA 2011 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.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Some votes are cast on DREs, some on central count optical scan systems, 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.

2016 Response:

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

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.
Under the 2011 Secure and Fair Elections (SAFE) Act, beginning January 1, 2013, persons applying for voter registration for the first time are required to provide evidence of U.S. citizenship. (See also item A2.)
In accordance with HAVA, applicants are asked to provide either their driver's license number or the last four digits of their Social Security number on their voter registration application. The information is verified through the Division of Motor Vehicles or Social Security Administration using the AAMVA interface required by HAVA.

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Each voter must sign a poll book before voting in person. The 2011 Secure and Fair Elections (SAFE) Act requires each person to provide photographic identification when voting, with certain specific exceptions. (See also item A2.)

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Each voter must sign a ballot application form and also sign a statement on the return envelope.
The 2011 Secure and Fair Elections (SAFE) Act requires voters who apply for advance ballots by mail to provide either their driver's license numbers or photocopies of photographic identification documents with their ballot applications. If the numbers provided are verified through the Division of Motor Vehicles, no further identification is required.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA voters must sign the FPCA and must sign the return envelope. If returning the ballot by fax or email, they must sign a return form containing a statement waiving their right to privacy.
UOCAVA voters are not subject to the photo identification requirements that other voters must meet.
UOCAVA voters are not required to provide notarizations or witnesses' signatures.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

N/A

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.
Observers may include the following: poll agents, election observers, including international observers, media, exit pollsters, the U.S. Department of Justice or the Government Accountability Office.

2016 Response:

SECTION E: OTHER

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No revisions since the procedures were adopted in 2004.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* 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 04/30/2017). 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 – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below