

# KANSAS

## ELECTIONS 101



Provided by  
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**VOTEKANSAS.GOV**



**SCOTT SCHWAB**  
Secretary of State



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## STATE OF KANSAS

Dear Kansan,

Kansas Elections 101 was created by my office to provide information and history about the election system and process in our great state. Since taking office in 2019, election security has been among my highest priorities.

The Secretary of State's Office, through the Elections Division, is responsible for the administration of all national and state elections. All candidates for national office, state office, and state judicial positions must file their candidacy with the Secretary of State. The office also maintains the statewide voter registration database and serves as the repository for campaign finance reports of state candidates, and financial disclosure statements of state officers and certain state employees.

It is an honor to serve as your Kansas Secretary of State. If my office can be of any service to you, please do not hesitate to contact me at [scott.schwab@ks.gov](mailto:scott.schwab@ks.gov) or the office at 800-262-VOTE (8683).

With gratitude,

A handwritten signature in cursive script that reads "Scott Schwab".

Scott Schwab  
Secretary of State



## VOTING RIGHTS ACT OF 1965

The Voting Rights Act prohibits state and local government from imposing any voting rule that results in the denial or abridgement of the right of any citizen to vote on account of race, color or membership in a language minority group, and bans literacy tests and other devices to restrict voting.

## UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1968 (UOCAVA)

UOCAVA allows members of the armed forces, merchant marine, their family members and U.S. citizens residing outside the United States to register to vote and request an absentee ballot simultaneously with one application. It also allows participants to transmit materials electronically to their county election offices, which are required to transmit ballots at least 45 days prior to any election.

## NATIONAL VOTER REGISTRATION ACT OF 1993 (NVRA)

### Sets forth certain voter registration requirements:

1. State offers voter registration at state motor vehicle agencies.
2. State offers voter registration by mail-in application.
3. State offers voter registration at certain state and local offices.
4. State implements procedures to maintain accurate and current voter registration lists.

### Sets forth voter registration and voter list maintenance guidelines:

1. Requires state election officials to notify each applicant of the disposition of his or her application.
2. Rules for removing names from the voter registration list.
3. States may utilize change-of-address information supplied by the United States Postal Service through its National Change of Address program to identify registrants who may have changed residences.

### Noteworthy:

The mail application for an advance ballot may not include any requirement for notarization or other formal authentication.

## HELP AMERICA VOTE ACT OF 2002 (HAVA)

HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election.

HAVA established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute federal HAVA funds to the states. The EAC also is responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes best practices, information for voters and other resources to improve elections.

HAVA requires that the states implement the following procedures:

1. Provisional Voting
2. EAC Approved Voting Equipment
3. Statewide Voter Registration Databases
4. Voter Identification Procedures
5. HAVA Administrative Complaint Procedures



# STATE ELECTION LAWS

## IMPORTANT DATES IN KANSAS ELECTION LAW

**1861**

First Kansas election laws enacted. One theme: administrative errors happen in every election and those can never be the basis to overturn an election.



**1993**

National Voter Registration Act (NVRA) enacted by U.S. Congress.



**1864**

Kansas adopts voting by mail.



**1995**

“No excuse mail balloting” adopted in Kansas. This means any Kansas registered voter can advance vote by mail or in-person.



**1893**

The government prints the ballot with all candidates on it and ballot secrecy becomes mandatory.



**2011**

The Kansas legislature passes the Secure and Fair Elections (SAFE) Act. Voter ID and mail ballot security provisions adopted.



**1908**

Kansas rewrites much of its election code. Primary elections adopted for party candidates.



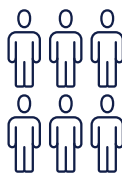
**2015**

Municipal elections moved to August and November of odd numbered years.



**1968**

Kansas rewrites much of its election code again. First lever voting machines in use. Kansas transitions from legislative districts based on entire counties to districts based on population.



**2016**

All ballot marking devices used in Kansas elections produce a voter verified paper trail.



**1974**

Optical scanner/tabulators first used to count paper ballots.



**2022**

Substantial election security bill passed by Kansas legislature. Improvements include enhanced election equipment security, additional election audits, voter database maintenance, ballot watermarks, and chain of custody procedures.



**1978**

Legislature clarifies drop boxes can be used by counties and adopts election recount provisions.



**2023**

The Election Modernization Bill became law, becoming one of the most comprehensive clean-up bills of the state's election statutes in decades. The clean-up deconflicted election timelines and removed outdated election laws to improve election administration.



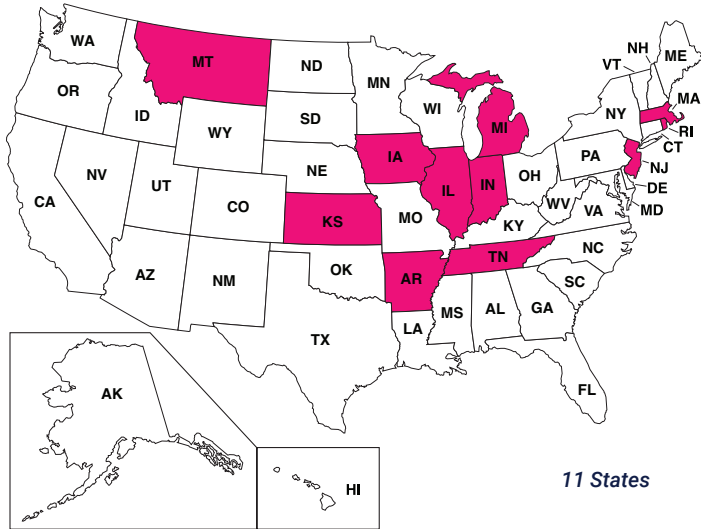
# STATE ELECTION LAWS

## COMPARING KANSAS

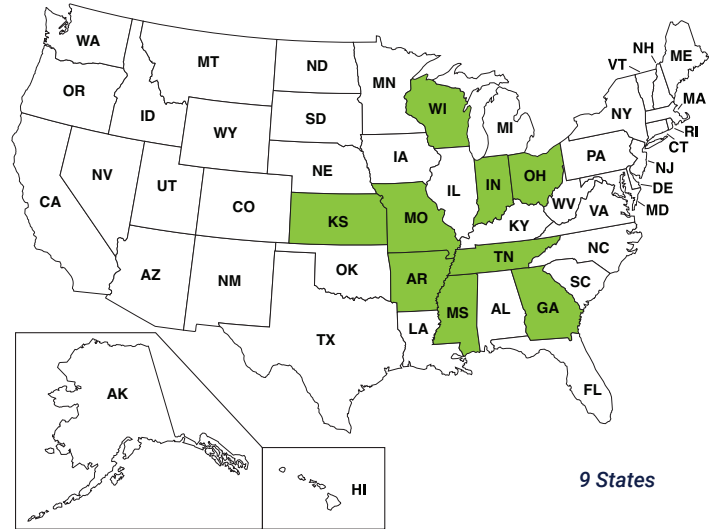
Kansas has led the nation with forward-thinking election security laws for years. Topics that are highly debated now, such as voter ID and signature verification for mail ballots, have been in Kansas law for over a decade. However, the work to safeguard election security and integrity does not stop. Secretary Schwab's administration will continue to advocate for common sense security measures for the state of Kansas.

The states highlighted below have the following election security initiatives in state law as of 2022:

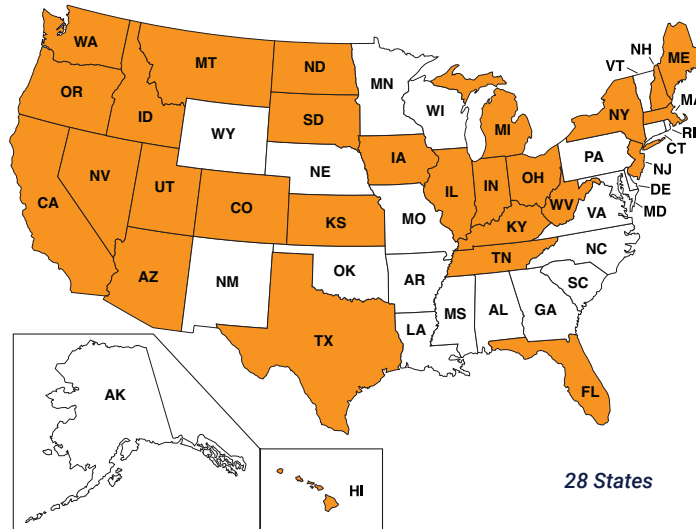
### SIGNATURE VERIFICATION ON MAIL BALLOT APPLICATION



### STRICT VOTER ID



### SIGNATURE VERIFICATION ON MAIL BALLOT



## ELECTION SECURITY

Kansas has robust laws and regulations that ensure election integrity in Kansas.



### VOTER ROLL MAINTENANCE

Voter roll maintenance occurs daily. Multiple procedures are used to ensure accurate voter rolls, such as:

- Removing voters when death certificates are issued.
- When convicted of a state or federal felony.
- Using U.S. Postal service change of address lists.

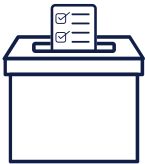
State and federal law set the requirements for when a voter may be removed from the voter rolls. To strengthen the integrity of the state's voter roll, in 2022 Secretary Schwab proposed a bill that was passed and signed into law. Now, county election officials can send a notice to those who have had no election related activity for four or more years. If the notice is returned as undeliverable, federal law requires election offices wait up to four years before removing the person from the voter registration list.



### ELECTION EQUIPMENT SECURITY AND CERTIFICATION

State law prohibits counties from using voting equipment that has the capability of being connected to the Internet.

All voting equipment systems used in Kansas are certified by the federal Election Assistance Commission (EAC) and the Kansas Secretary of State. To obtain certification by the EAC, each voting system must be tested by an independent testing authority prior to federal certification. All 105 counties in Kansas use voting equipment systems that have been certified.



### LOGIC AND ACCURACY TESTING

It is Kansas law that tabulating equipment must be tested before and after the election, known as "logic and accuracy testing." The purpose of testing is to ensure the tabulating equipment is tabulating ballots properly. During the testing, both proper and improper ballots are submitted through the tabulator to ensure the counting is accurate. The public may view logic and accuracy testing.



### SIGNATURE VERIFICATION

To apply for an advance mail ballot, the voter must provide a copy of a government issued ID containing the voter's signature and the signature must be verified. A signature is verified when it matches the voter's signature on file with the county election office.

Once the advance by mail ballot is approved, the voter must sign the ballot envelope. If the signature does not match the one on file, the ballot is marked as provisional, and the county election office is required to contact the voter to verify the signature.



### VOTER ID

Whether you are voting by mail or in person, voter ID is required by law. Voter ID helps prevent voter fraud by ensuring that every eligible voter has appeared in person to a government official and has had their identity verified prior to casting a ballot. It is the most fundamental tool to ensure one vote equals one person.

# ELECTION SECURITY



## BALLOT WATERMARK

All ballots in Kansas are required to have a unique mark or stamp located on the ballot. This designed symbol on the ballot verifies the ballot is official, provides an extra layer of security, and must be present for ballots to be counted in the tabulating machine. To further enhance security, starting in 2024, ballots will be required to have a watermark in addition to the symbol.



## BALLOT HARVESTING IS ILLEGAL

Dropping off and/or mailing advance mail ballot envelopes on behalf of multiple voters is sometimes known as "ballot harvesting." In Kansas, it is a crime for any one person to deliver more than 10 advance ballot envelopes. Anyone carrying an advance mail ballot envelope for a voter must complete an affidavit on the ballot envelope. A violation of this law could result in a felony charge.



## BALLOT CHAIN OF CUSTODY

There is a statewide standard for chain of custody procedures when transferring ballots. This standard ensures that all ballots are accounted for.



## AUDITS

Under Kansas law, several different types of audits are conducted to verify the results of an election. These audits are an important means of ensuring that every vote cast was counted correctly.

1. **Post-Election Audit:** A post-election audit is intended to verify that the vote count is accurate. The audit is conducted by a sworn and trained bi-partisan board and is open to the public. This took place for the first time in Kansas history in 2019 under Secretary Schwab's administration.
2. **Close-Race Audit:** A close-race audit automatically takes place when a federal, statewide, state, or constitutional amendment race is within one-half of 1 percent of the election night vote total. The close-race audit is conducted in addition to a post-election audit. The close race audit was enacted in 2022 and was first utilized during the 2022 State Treasurer republican primary race. The purpose of the audit is to provide the candidate and the public with additional assurance of the vote total.
3. **Procedural Audit:** The audit enables the Secretary of State to audit the election procedures of randomly selected counties. This procedural audit is conducted in odd-numbered years to verify that proper election procedures are followed, election documents are properly preserved, and ensure the election process is transparent to the public.

If you witness suspicious activity, please notify the Secretary of State's office through the Report Voter Fraud online portal at [sos.ks.gov](https://sos.ks.gov) and the election security team will review each claim.



# ELECTION EQUIPMENT

## CERTIFIED ELECTION EQUIPMENT

All voting equipment systems used in Kansas are certified by the federal Election Assistance Commission (EAC) and the Kansas Secretary of State. To obtain certification by the EAC, each voting system must be tested by an independent testing authority prior to federal certification. All 105 counties in Kansas use voting equipment systems that have been certified.

Below are examples of electronic pollbooks, electronic voting machines, and ballot tabulators.\*

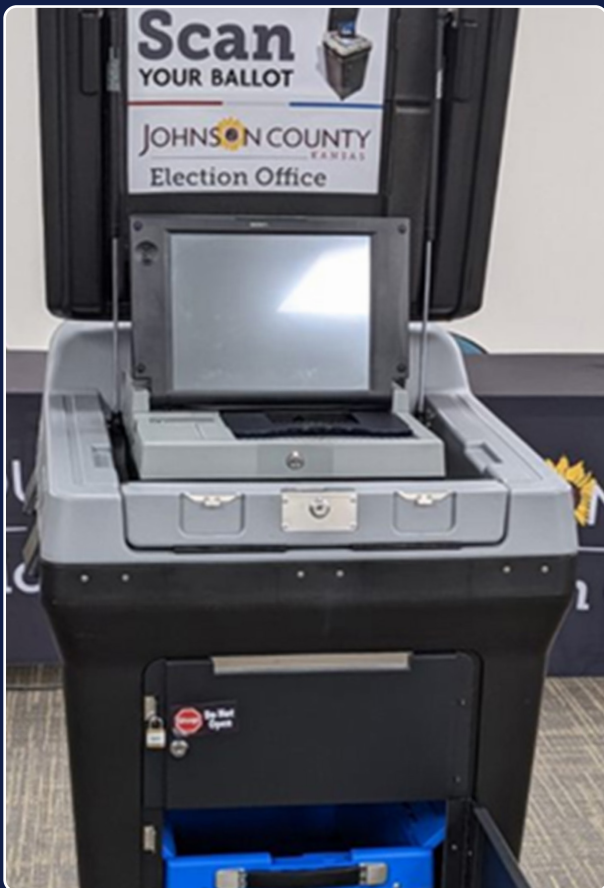
*\*Please note, your county may use different electronic pollbooks, electronic voting machines, and ballot tabulators than the examples provided.*



Electronic Pollbook



Ballot Marking Device



Optical Scan Ballot Tabulator



High Speed Optical Scan Ballot Tabulator

# REGISTERING TO VOTE

## VOTER REGISTRATION

The online voter registration application (available at [VoteKansas.gov](http://VoteKansas.gov)) is part of the Secretary of State's ongoing election security initiative. It provides Kansans with immediate confirmation that it is an official government website. The use of a .gov website address promotes security and helps Kansans know they are accessing a website affiliated with a government office instead of a non-governmental third party site.



## HOW YOU KNOW IT'S SAFE



### The .gov means it's official.

A .gov website belongs to an official governmental organization in the United States.



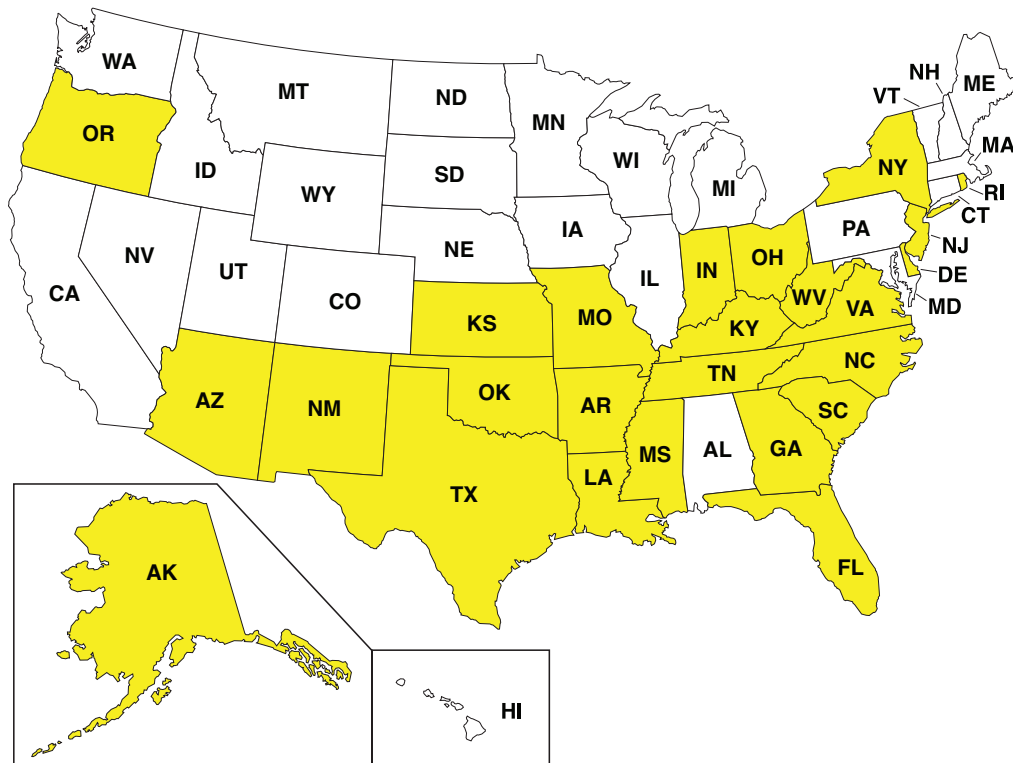
### The site is secure.

The <https://> or lock icon ensures you're safely connected to the website and any information you provide is encrypted.

## VOTER REGISTRATION DEADLINE

Voter registration deadlines vary by state. In Kansas, the deadline to register to vote is 21 days before a primary or general election. (K.S.A. 25-2311)

The 25 states highlighted below have a voter registration deadline of 20-30 days prior to an election.



## K.S.A. 25-2311(e)

...  
(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 21st day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 21st day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

# VOTER REGISTRATION MAINTENANCE

## HISTORY

The passage of the 2002 Help America Vote Act (HAVA) required each state to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list. Prior to this requirement, each county was responsible for maintaining a distinct list of registered voters for that particular county. The statewide voter registration list is housed by the Secretary of State's office. However, each county is responsible for the maintenance of the list of registered voters within the county.

Voter registration list maintenance occurs on a daily basis. Here are some of the list maintenance activities used by election officials in the state of Kansas:



### DEATH NOTICES AND OBITUARIES

Removing deceased registered voters is common. The Secretary of State's office receives weekly death certificate information provided by the Office of Vital Statistics. In addition, the voter registration list is compared to the Social Security Administration death index. This information is provided to county election offices. County offices also review obituary notices on a routine basis to remove names.



### FELONS

The Secretary of State's office receives information on a weekly basis from the Kansas Department of Corrections on persons convicted of a felony. U.S. Attorney offices in other states periodically transmit names of persons convicted in federal court. These names are provided to county election offices for removal.



### DUPLICATE RECORDS

Twice a year, the Secretary of State's office conducts a review of all registered voters in Kansas looking for duplicate records. This information is provided to county election offices for review and consolidation.

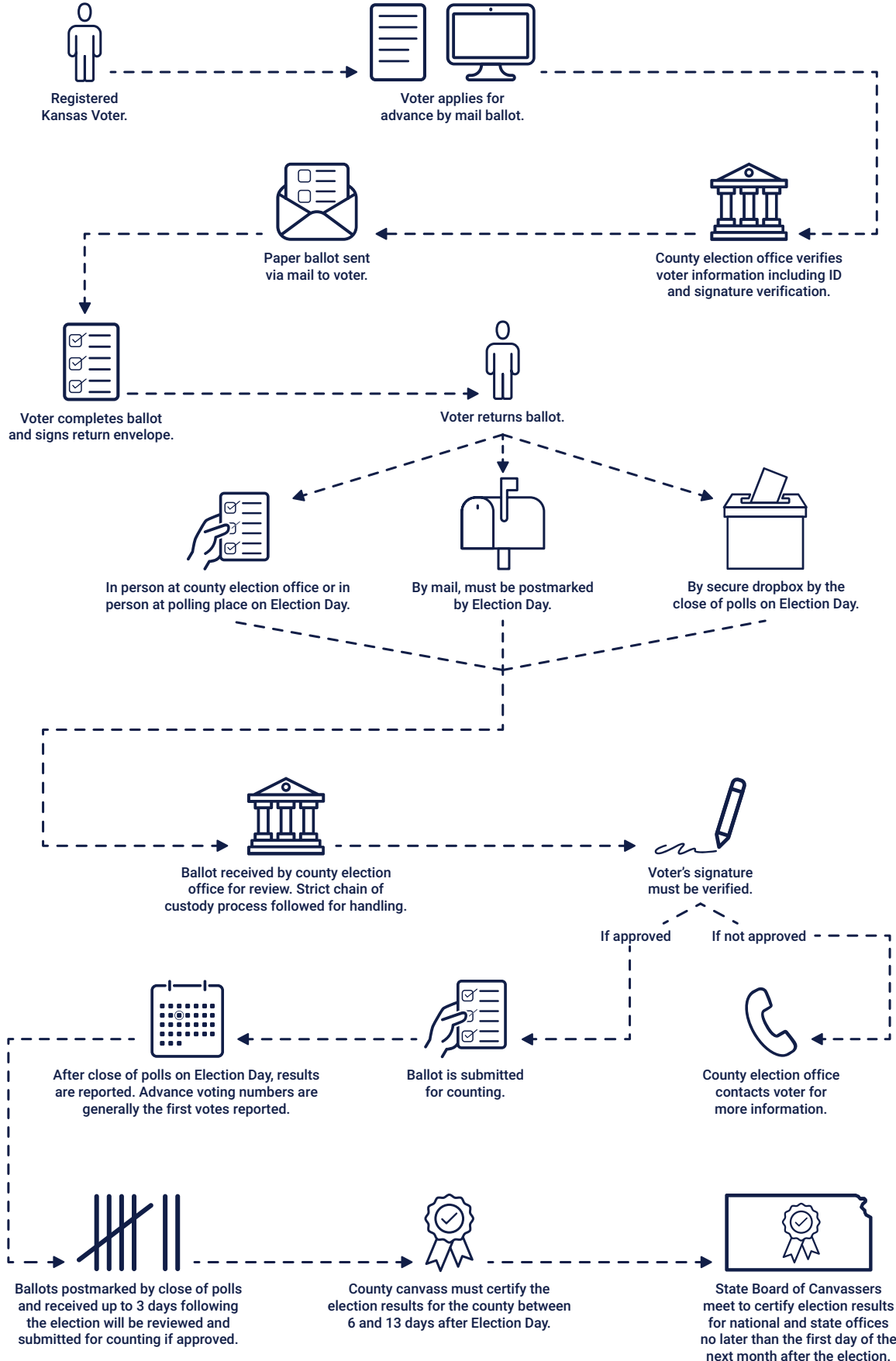


### MOVED OUT OF JURISDICTION

Annually, the Secretary of State's office compares the voter registration list with the list of address changes filed with the U.S. Postal Service looking for matches. This information is provided to county election offices for review and updates. In addition, due to legislation passed by the Kansas legislature in 2022, county election offices are allowed to send a notice to any person who has no election related activity for four or more years to confirm registration status.

# CASTING A BALLOT

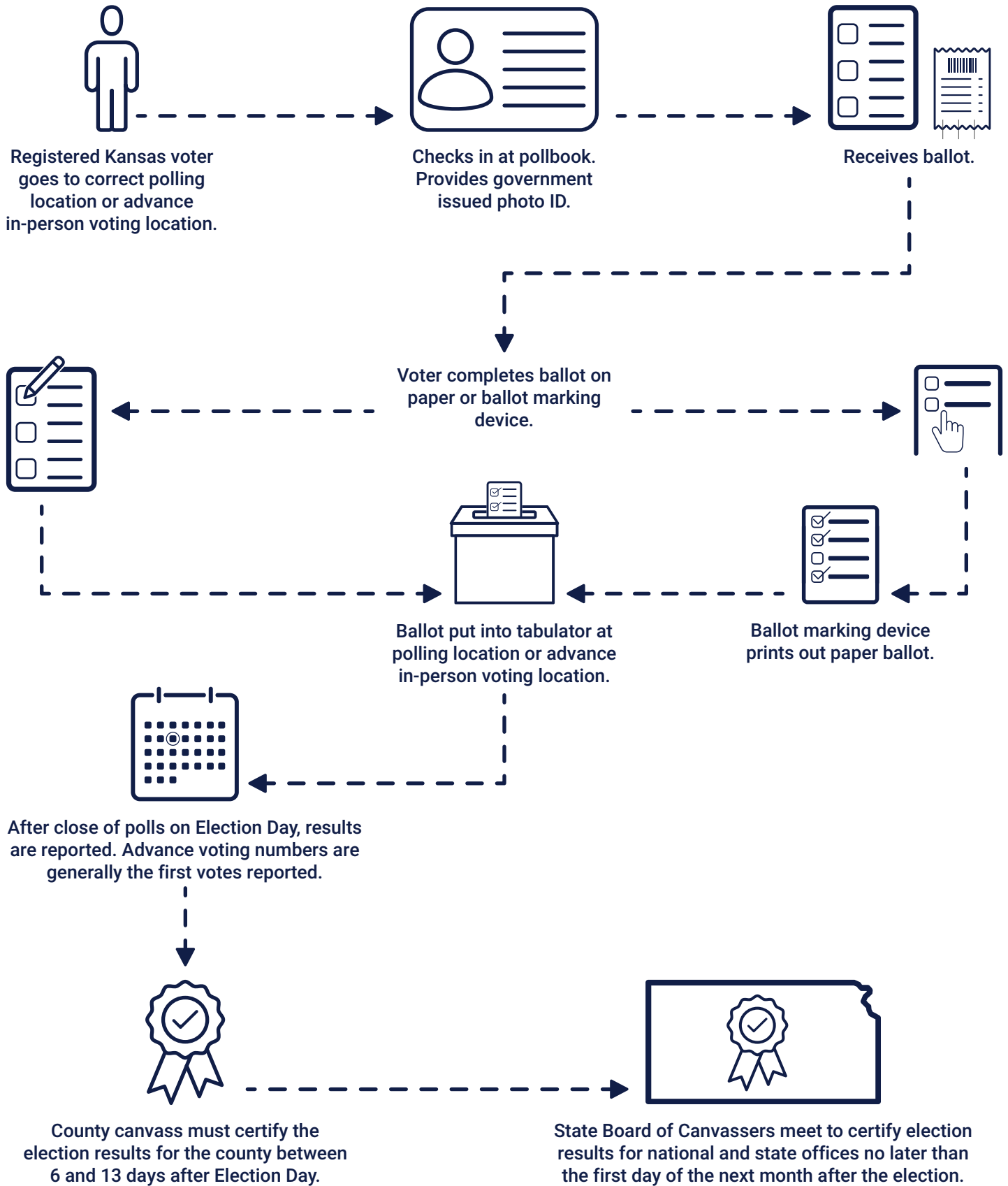
## BY MAIL





# CASTING A BALLOT

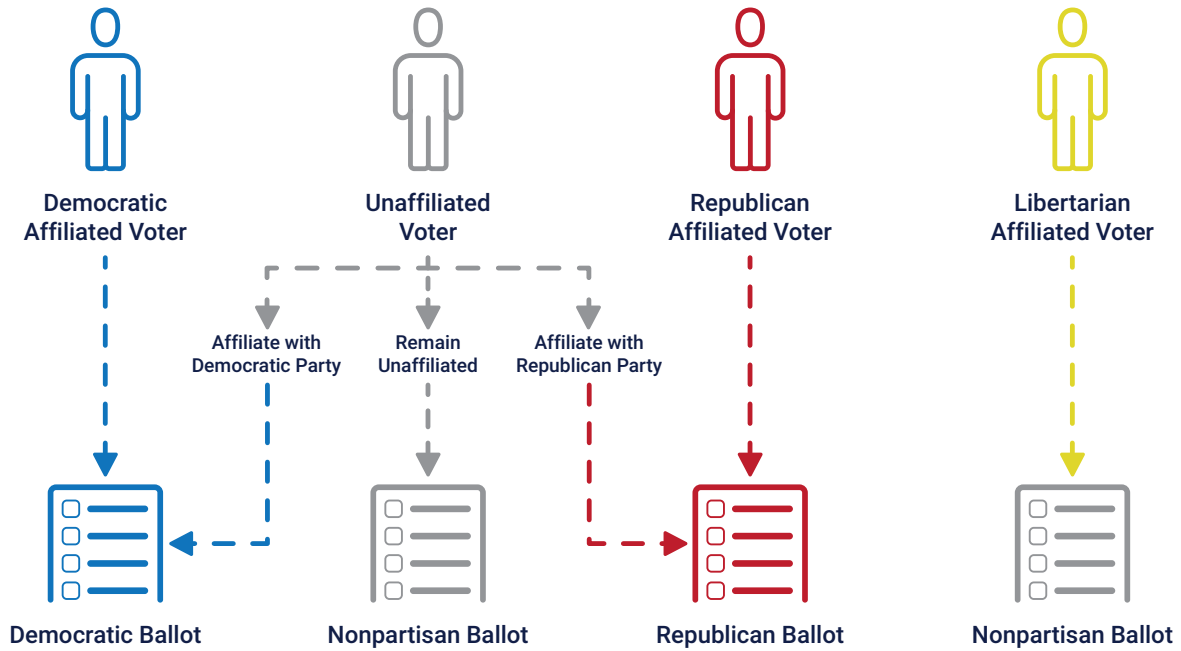
## IN PERSON



# CASTING A BALLOT

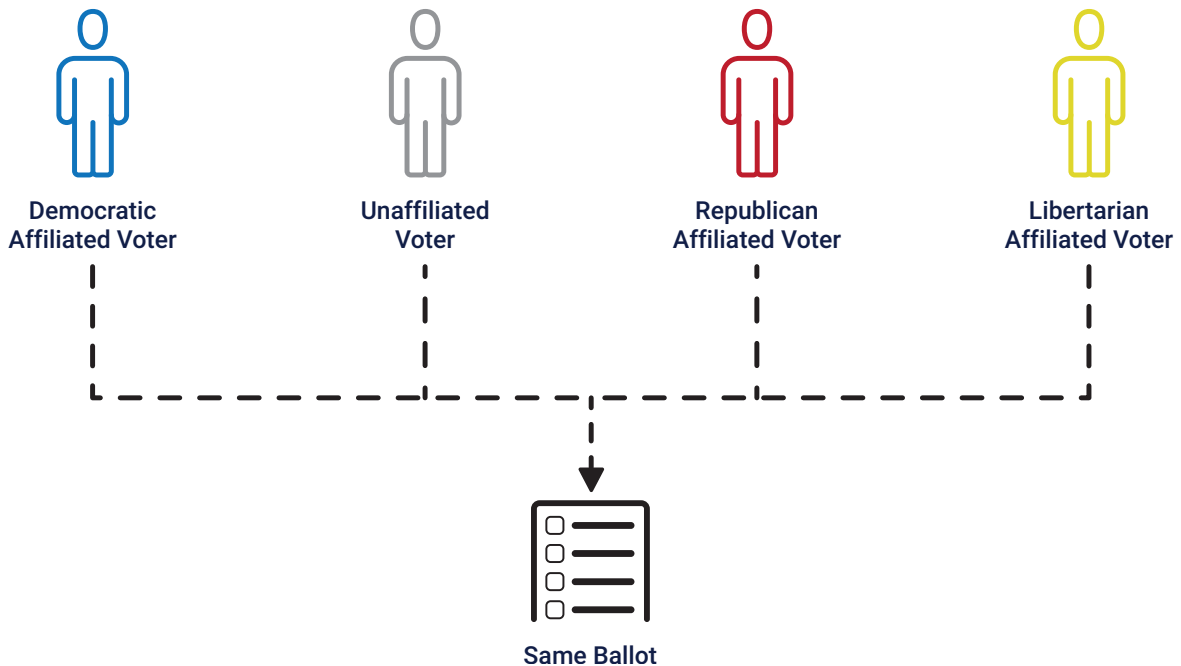
## VOTING IN A PRIMARY VS. GENERAL ELECTION

### PRIMARY ELECTION\*



\* 2022 rules set by the political parties.

### GENERAL ELECTION



# ELECTION RESOURCES

## RESOURCES

Below are websites that can be used as resources for election information or questions.



### **KANSAS SECRETARY OF STATE**

<https://www.sos.ks.gov>



### **KANSAS VOTER VIEW**

<https://myvoteinfo.voteks.org/voterview>



### **COUNTY ELECTION OFFICE CONTACT PAGE**

[https://www.sos.ks.gov/elections/county\\_election\\_officers.aspx](https://www.sos.ks.gov/elections/county_election_officers.aspx)



### **KANSAS ELECTION RESOURCES**

<https://www.votekansas.gov>



### **U.S. ELECTION ASSISTANCE COMMISSION**

<https://www.eac.gov>



### **FEDERAL VOTING ASSISTANCE PROGRAM**

<https://www.fvap.gov>



**VOTEKANSAS.GOV**

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