

Kansas Administrative Regulations

Secretary of State

Article 21.—Voting Equipment

7-21-4. Manual count of damaged or defective paper ballots.

(a) If any paper ballot is damaged or defective so that the ballot cannot be counted properly by optical scanning equipment or automatic tabulating equipment, the county election officer shall establish a special counting board of two or more persons for the purpose of manually counting the damaged or defective paper ballot.

(b)(1) The special counting board shall consist of election board workers at a polling place or other persons at a central location. To the extent practicable, the special counting board members shall not all be affiliated with the same political party.

(2) No person serving on the special counting board shall be a candidate for an office on the ballot or a member of a group supporting or opposing passage of a question submitted on the ballot.

(3) One person on the special counting board shall be designated the supervising judge.

(c) The special counting board shall manually count any ballot that is damaged or defective and that cannot be counted properly by optical scanning equipment or automatic tabulating equipment, using the following procedures:

(1) Each ballot shall be separated from any advance voting envelope or provisional ballot envelope that identifies the voter who cast the ballot.

(2) If more than one damaged or defective ballot is to be counted, the supervising judge shall collect and enumerate the ballots and shall announce the total number of ballots to the board.

(3) A member of the special counting board shall read and announce the contents of each ballot and shall hand each ballot to another member of the board to verify the contents of the ballot. A member of the board other than the member reading the ballots shall tally the votes cast on the ballot on a tally sheet provided by the county election officer.

(4) The county election officer may require the special counting board to maintain two separate sets of tally sheets. If the board is required to maintain these tally sheets, the board shall compare the tally sheets and reconcile any differences to the satisfaction of a majority of the board. The tally sheets shall be compared at the end of the counting process.

(d) If the special counting board is unable to determine the voter's intent for any ballot or portion of a ballot, the ballot shall be challenged and referred to the county board of canvassers for resolution pursuant to K.S.A. 25-3002(b)(1) and amendments thereto.

(e) At the conclusion of the special counting board's duties, the special counting board shall provide all ballots and records to the county election officer. The county election officer shall preserve the ballots and records in accordance with state law and shall include the results tabulated from the ballots in the official results of the election. (Authorized by L. 2007, Ch. 125, Secs. 22 and 34; implementing K.S.A. 25-4412, as amended by L. 2007, Ch. 125, Sec. 19, and K.S.A. 25-4611, as amended by L. 2007, Ch. 125, Sec. 31; effective July 7, 2008.)

***** Authenticated Kansas Administrative Regulation *****