

Kansas Administrative Regulations

Secretary of State

Article 47.—Election Audits

7-47-1. Postelection audit implementation.

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

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

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

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

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

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

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

(d) Ballot images may not be used for the manual audit.

(Authorized by and implementing K.S.A. 2023 Supp. 25-3009 and K.S.A. 2023 Supp. 25-2912; effective, T-7-6-26-19, June 26, 2019; effective Sept. 27, 2019; amended Oct. 13, 2023; amended, T-7-3-5-24, March 5, 2024; amended June 14, 2024.)

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