

Kansas Administrative Regulations

Secretary of State

Article 48.—Vote Centers

7-48-1. Vote centers; plans; report.

(a) For purposes of this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Election day" means the day for casting ballots for any national, state, county, township, city, and school primary and general election, question-submitted election, or other election authorized by law and conducted by the county election officer.

(2) "Electronic poll book" means the electronic version of the poll book, as described in K.S.A. 25-2507 and amendments thereto, used at a vote center or voting place.

(3) "Vote center" means a voting place where any registered voter in a county with a vote center plan implemented may cast a ballot on election day.

(4) "Voting place" has the meaning specified in K.S.A. 25-2506, and amendments thereto.

(b) Pursuant to K.S.A. 25-2701 and amendments thereto, any county election officer may authorize the use of vote centers allowing all voters within the county to vote at any polling location on election day following submittal of a plan and receipt of approval by the Kansas secretary of state. Once a vote center plan is in effect, each polling location under the jurisdiction of the county election officer shall be a vote center.

(c) The plan specified in subsection (b), which shall be signed by the chairman of the county commission and the county election officer and received by the Kansas secretary of state at least six months before implementation, shall provide the following:

(1) The implementation date of the first election in which vote centers are to be used. A county election official shall not utilize vote centers for the first time in a general or primary election in an even-numbered year;

(2) the number of vote centers that will be established and the number of polling places that will be reduced;

(3) the location of each vote center. For each location identified, the plan shall provide the following:

(A) Certification that each location complies with the Americans with disabilities act (ADA) accessibility requirements;

(B) a description of each vote center. The description of each vote center shall include at least the number of voting machines, tables, chairs, and board workers for that vote center location and the number of parking spaces and designated handicap parking spaces available for that vote center location;

(C) a detailed description of all hardware, firmware, and software for all voting equipment and electronic poll books that will be used in the vote center;

(D) a statement that each piece of voting equipment has been certified by the United States election assistance commission and the Kansas secretary of state's office;

(E) a statement acknowledging that each electronic poll book to be used has been successfully used in at least one jurisdiction in the United States before using the poll book at a vote center location;

(F) a detailed testing plan that provides an estimate of the highest volume of voters at each vote center and certifies that testing has been done to ensure that the vote center can accommodate at least that volume; and

(G) a contingency plan designed to both prevent a disruption of the vote center process and ensure that the election is properly conducted if a disruption occurs. At a minimum, the contingency plan shall address likely impediments that could cause issues at vote centers, including the following:

(i) Inclement weather;

(ii) complete loss of connectivity for any length of time to electronic poll books or voting machines that includes a plan of preventing voters from voting at multiple locations;

(iii) higher than anticipated volumes of voters; and

(iv) unavailability of a vote center;

(4) a description of the methods and standards that the county election official will use to ensure the security of voting conducted at vote centers. As part of these security methods, an electronic poll book shall not be connected in any way to a voting system.

The county election official shall also certify that each vote center will have a secure connection that has real-time access to an electronic poll book and prevents any voter from voting more than once at that vote center or at any other vote center during the same election; and

(5) a public outreach plan that involves a local working group designed to inform county citizens of the change to vote centers. This public outreach plan shall include the names of local officials, county residents, and any other individuals that are part of the local working group developing and implementing the plan. The public outreach plan shall also describe the activities that the local working group will utilize to educate the public on vote centers.

(d)(1) If a county election officer intends to implement a change to the vote center plan involving the requirements in paragraph (c)(3)(C), the county election officer shall notify the secretary of state no later than 90 days before implementing the change. The notice shall be accompanied by the statements required by paragraphs (c)(3)(D) and (E) and the testing plan and the contingency plan required by paragraphs (c)(3)(F) and (G).

(2) If a county election officer intends to change or close a vote center location, the county election officer shall notify the secretary of state upon the determination being made and any new vote center location being selected. This notice shall be submitted no later than 90 days before the first election in which the vote center location closing or change is to occur. If the 90-day advance notice is impracticable, the county election officer may seek approval from the secretary of state to waive the 90-day requirement, but notice shall still be provided before implementing the changes identified in this paragraph.

(3) If a county election officer intends to change the vote center plan involving the security methods and standards required in paragraph (c)(4), the county election officer shall notify the secretary of state no later than 90 days before implementation of the change. If the 90-day advance notice is impracticable, the county election officer may seek approval from the secretary of state to waive the 90-day requirement.

(e) Following the first year that a vote center plan is implemented, the county election officer shall submit the county's vote center plan, which shall include any

updates or changes since last submission to the secretary of state, six months before the next August primary election occurring in the year identified in K.S.A. 25-101(a)(1), and amendments thereto. The county election officer shall then resubmit the plan at the same time every four years.

(f) The process for casting a ballot at each vote center shall comply with all statutory requirements in Kansas, including the provisions in K.S.A. 25-2901 et seq., and amendments thereto.

(g) Following the first election in which a county utilizes vote centers, the county election officer shall submit to the secretary of state a report that includes the following:

- (1) The number of voters and provisional voters who utilized each vote center;
- (2) the estimated time that a voter waited during peak voting hours at each vote center; and
- (3) any logistical, voting machine, or network problems encountered at any vote center.

(h) If a county election officer in consultation with the county commissioners wants to return to a precinct model of voting rather than the vote center model, the county election officer and the county commissioners shall submit a plan to the Kansas secretary of state. The plan, which shall be signed by the chairman of the county commission and the county election officer and received by the Kansas secretary of state at least six months before implementation, shall provide the following:

- (1) The implementation date of the first election in which precinct model voting will be used;
- (2) the number of polling places that will be used;
- (3) the location of each polling place. For each location identified, the plan shall be accompanied by the following:
 - (A) Statement of compliance with ADA accessibility requirements;
 - (B) a description of each polling place. The description of each polling place shall include at least the number of voting machines, tables, chairs, and board workers expected to be used at that polling place and the number of parking spaces and designated handicap parking spaces available for that polling place;

(C) a detailed description of all hardware, firmware, and software for all voting equipment and electronic poll books that will be used in the polling places;

(D) a statement that each piece of voting equipment has been certified by the United States election assistance commission and the Kansas secretary of state's office; and

(E) a statement acknowledging that each electronic poll book to be used has been successfully used in at least one jurisdiction in the United States before being used in a polling place; and

(4) a public outreach plan that involves a local working group designed to inform county citizens of the change back to precinct voting. This public outreach plan shall include the names of local officials, county residents, and any other individuals that are part of the local working group developing and implementing the plan. The public outreach plan shall also describe the activities that the local working group will utilize to educate the public on the change back to precinct voting.

(Authorized by and implementing K.S.A. 2020 Supp. 25-2701; effective March 12, 2021.)

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