



September 27, 2023

## **ELECTIONS LEGISLATION SINCE 2017**

This memo provides brief summaries of election-related legislation passed since 2017. Full, detailed summaries of each bill can be found in the Summaries of Legislation for the corresponding year produced by the Kansas Legislative Research Department (KLRD). Summaries of Legislation dating back to 2020 can be [found here](#), at the KLRD Publications page, and further archived summaries can be found on the archived bill page through the KS Legislature website.

### **2017 SB 43**

**SB 43** amends provisions enacted in 2017 HB 2017 in regard to filling vacancies in the U.S. House of Representatives. The bill changes the county-level canvass date for these congressional elections to coincide with the date for other county-level canvasses by deleting the requirement to hold the congressional election county canvass on the third day following the election and replacing it with a requirement to follow the provisions of [KSA 25-3104](#). The bill makes other adjustments, including moving the state canvass date from the sixth day following the election to the third day following the county-level canvass.

### **2017 HB 2017**

**HB 2017** amends statute regarding filling congressional vacancies.

The bill changes the minimum number of signatures of registered voters required for an independent candidate to petition for nomination to fill a congressional vacancy to 3,000 from 4 percent of qualified voters in the congressional district. The bill states such petitions cannot be circulated for signatures until after the date of the election is proclaimed by the Governor. The bill requires each political party that has obtained official recognition to call a convention.

The bill adjusts related time frames to conform to federal overseas voter ballot requirements and makes additional conforming changes for the deadlines of boards of canvassers.

### **2017 HB 2158**

**HB 2158** makes changes and additions to elections and campaign finance law.

## ***Advance Voting Ballot Deadlines***

The bill revises deadlines regarding advance voting ballots, as follows:

- Adds a requirement that all advance voting ballots received at any polling place in the county no later than the hour for closing of the polls on any election date for all elections specified in [KSA 25-1122\(f\)](#) [all primary, general, and question-submitted elections, special elections of officers, and presidential preference primaries] be delivered by the county election officer to the appropriate special election board. Prior law required only those advance ballots received in the county election office to be treated in this manner;
- Adds requirements for the receipt by mail of advance ballots, as follows:
  - Delivery to a special election board or the county board of canvassers, in a manner as consistent as possible with canvassing of other advance ballots, those received after the closing of the polls on the date of any election specified in [KSA 25-1122\(f\)](#), and which are postmarked before the close of the polls on the election date; and
  - Establishes the deadline for receipt by mail of advance ballots by the county election officer as the last mail delivery by the U.S. Postal Service (USPS) on the third day following the election date, unless additional time is permitted by the Secretary of State (Secretary); and
- Revises the deadlines for transmittal by mail of applications for advance ballots, as follows:
  - For all elections occurring on the date of a primary or general election, from the last business day of the week preceding the election to the Tuesday of the week preceding the election; and
  - For question-submitted elections not held on the date of a primary or general election, from the last business day of the week preceding the election to the Tuesday of the week preceding the election (the same requirement as for those occurring on primary or general election dates), except if such an election is held on a day other than a Tuesday. In these instances, the change will be from no more than three business days before the election to one week before the election.

## ***Notices Regarding Polling Place Changes***

The bill prohibits a county election officer from changing a polling place prior to an election without providing mailed notice at least 30 days prior to the election. The bill further states failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the election results.

## ***Write-in Candidates: Option to Have Name Removed from General Election Ballot***

The bill allows a write-in winning candidate of a primary election for national, state, county, township, or municipal office to notify the appropriate election entity in writing within ten days following the canvass that the person does not want their name on the official general ballot. The bill requires the write-in candidate's name appear on the general election ballot if the notification is not received in the ten-day period.

## **2018 HB 2539**

### ***Candidacy Qualifications for Certain Statewide Offices***

The bill requires every candidate for the office of Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, or State Commissioner of Insurance to be a qualified elector of Kansas by the deadline for filing for such office.

The bill also requires candidates for Governor and Lieutenant Governor to be age 25 or older and candidates for Attorney General to be licensed to practice law in Kansas.

### ***Advance Voting Signatures and Forms***

**Signature verification.** The bill states verification of the voter's signature by the county election official on an application for an advance ballot shall not be required if the voter has a disability preventing the voter from signing.

**Assistance with voting.** Voters with any disability that prevents them from being able to provide a signature may request assistance in signing an application for or marking an advance ballot, or signing an application or the form on the ballot envelope. The bill also creates requirements for individuals assisting voters with disabilities.

**Advance ballot envelopes.** The bill requires the Office of the Secretary of State (Office) to prescribe the general format for advance voting ballot envelopes, including signature blocks for voters and any person assisting a voter.

### ***Election Audit Requirements***

The bill requires, after any election in which the county board of canvassers certifies the results, the county election officer to conduct a manual audit or tally of each vote cast in one percent of all precincts, with a minimum of one precinct located within the county. The precinct(s) audited will be selected randomly after the election. The requirement for audit or tally applies regardless of the method of voting used. The bill specifies which contested races will be audited; creates requirements for audit timing, location, and notice; and specifies guidelines for additional audits in the case of discrepancy between the audit and the unofficial results.

The Secretary is required to adopt rules and regulations governing the conduct and procedure of election audits, including the random selection of precincts and offices involved in audits.

### ***Timing of Election Canvasses***

The bill allows the county election officer to move the canvass for any election held on a Tuesday to any business day no later than 13 days after any election. Notice of the time and place of the canvass must be published in a newspaper of general circulation in the county prior to the canvass. The canvass of any election not held on a Tuesday must be held no later than the 13th day following the election.

### ***Requirements for Electronic Voting Systems***

The bill requires any electronic or electromechanical voting system purchased, leased, or rented by a board of county commissioners (board) after the effective date of the bill to provide a paper record of each vote cast at the time the vote is cast and have the ability to be tested both before an election and prior to the canvass date. The bill also prohibits the board from purchasing, leasing, or renting any direct-recording electronic voting system.

### **2018 HB 2642**

The bill requires the Office to publish precinct-level primary and general election results for all statewide offices, state legislative offices, and federal offices on the Office's official website no later than 30 days after the final canvass of the election has been completed. The bill also amends provisions of the Campaign Finance Act.

### **2019 Sub. for SB 130**

### ***Advance Ballots and Signature Requirements***

The bill requires county election officers to make an attempt to contact each voter who submitted an advance voting ballot without a signature or with a signature that does not match the signature on file and allow the voter to correct the deficiency before the commencement of the final county canvass.

### ***Polling Places***

The bill allows all voters in a county to vote at any polling place on election day, at the discretion of the county election official.

### ***Municipal Office Filing Date***

The bill changes the filing deadline for any candidate in a municipal election from September 1 prior to the general election in odd-numbered years (or the next day that is not a Saturday, Sunday, or holiday, if the filing deadline falls on such date) to June 1, or the next day that is not a Saturday, Sunday, or holiday, before the primary election in even- and odd-numbered years, regardless of whether a primary is required.

### ***Oaths of Office for Township Officers***

The bill removes from the requirement for a newly elected trustee, clerk, or treasurer of any township or any appointed road overseer in any road district to take the oath of office that the oath be taken within 20 days after being notified of such election.

### ***School Board-related Changes***

The bill removes language requiring local board of education officials who are replacing members of the board to be appointed by November 15. The bill also amends requirements for the date of the first meeting of the local board of education and regular meeting times.

A change in the method of elections or voting plan, or both, must be submitted to voters at any primary or general election, or at a special election called for that purpose.

### **2019 SCR 1605**

SCR 1605 submitted to the qualified electors of the state an amendment to Article 10, Section 1 of the Kansas Constitution, which concerns reapportionment of senatorial and representative districts, to remove the census adjustment for military personnel and students.

The amendment was submitted to the electors at the general election in November 2019. The measure was approved with 59.69 percent, or 203,572 voters, voting yes.

### **2021 Senate Sub. for HB 2183**

#### ***Alteration of Advance Mail Ballot Postmark***

The bill amends election law to make it unlawful for any person to knowingly backdate or otherwise alter a postmark or other official indication of the date of mailing of an advance mail ballot if the intent is to make the mailing date appear different from the actual date of mailing by the voter or voter's designee. A violation will result in a level 9 nonperson felony, the same criminal penalty as other violations concerning advance voting.

#### ***Signature Matching on Advance Voting Ballots***

The bill prohibits a county election officer from accepting an advance voting ballot transmitted by mail unless they first verify the signature on an advance voting ballot envelope matches the signature on file in the county voter registration records. If the signature of a person on the advance voting ballot envelope does not match the signature on file, the ballot will not be counted. Verification may occur by electronic device or human inspection.

The bill specifies that such verification will not be required if the voter has a disability that prevents them from signing the ballot or that prevents them from signing the ballot in a way that matches the signature on file in the county voter registration records.

### ***Authority to Extend the Advance Mail Ballot Deadline***

The bill removes the authority of the Secretary to extend the deadline for receiving advance mail ballots. Under continuing law, the deadline for a county election office to receive advance voting ballots is the last mail delivery on the third day following an election; prior law authorized the Secretary to permit additional time.

### ***False Representation of an Election Official***

The bill creates the crime of false representation of an election official, defined as knowingly engaging in any of the following by phone, mail, email, website, or other online activity or other means of communication while not holding a position as an election official:

- Representing oneself as an election official;
- Engaging in conduct that gives the appearance of being an election official; or
- Engaging in conduct that would cause another person to believe a person engaging in such conduct is an election official.

The bill also defines an “election official.” False representation of an election official is a level 7 nonperson felony.

### ***Registered Voter Reporting Requirements***

The bill requires the Secretary to publish the following information on the official website of the Secretary each month:

- The total number of registered voters in each county;
- The total number of registered voters in each county who have been identified by the county election office as having mail that is undeliverable, and the number of such voters as a percentage of all registered voters in the county; and
- The total number of registered voters for each political party.

The Secretary is also required to publish on the official website of the Secretary the total number of registered voters in each voting precinct, including the total number of such registered voters affiliated with each political party, ten days prior to an election.

### ***Delivering or Assisting with Advance Voting Ballots***

Delivering an advance voting ballot on behalf of another person is prohibited, unless the person submits an accompanying written statement at the time of delivery, signed by both the voter and the person delivering the ballot. Only the person delivering such ballot can deliver the written statement. The bill creates requirements for the contents of the statement.

The bill prohibits:

- A candidate for office from delivering an advance voting ballot on behalf of another voter unless it is on behalf of an immediate family member [*Note*: The candidate could return no more than ten advance voting ballots total.]; and
- An individual from delivering more than ten advance voting ballots on behalf of other voters during an election.

A violation of these provisions is a class B misdemeanor.

A candidate for office may not assist any voter in marking an advance ballot or signing an advance ballot form, except it is not a violation for the Secretary, an election official, or county election office to assist a voter while in the performance of the duties of such office. A violation of this provision is a class C misdemeanor.

### ***Electioneering***

The bill expands the definition of “electioneering” in continuing law to include a candidate:

- Touching or handling a voter’s ballot during the voting process, unless it is on behalf of an immediate family member;
- Distributing or counting ballots;
- Hindering or obstructing a voter from voting, entering, or leaving a polling place; or
- Hindering or obstructing an election board worker from performing election duties.

The new electioneering provisions do not apply to the Secretary, an election official, or county election office. Under continuing law, electioneering is a class C misdemeanor.

### ***Transparency in Revenues Underwriting Law***

The bill creates the Transparency in Revenues Underwriting Act (Act), prohibiting election officials from knowingly accepting moneys, directly or indirectly, for any expenditures related to conducting, funding, or facilitating election administration. The bill also creates exemptions from the Act. A violation of the Act is a level 9 nonperson felony.

## **2021 HB 2332**

### ***Maintained Addresses of Registered Voters***

Each county election officer must maintain a residential address and mailing address for each registered voter if the mailing address is different from the residential address. This information must be recorded in any electronic database maintained by each county election officer.

The residential address of a registered voter must correspond to a physical location where the voter resides and not be a post office box or other address that does not correspond

to a physical location that can be occupied. If the residential address does not meet these requirements, the voter is not validly registered.

### ***Solicitation of Advance Voting Ballot Applications***

The bill creates requirements for any individual who solicits by mail a registered voter to file an application for an advance voting ballot and includes an application for an advance voting ballot in the mailing, including disclosures printed on the exterior and each page of the mailing.

The bill requires the advance voting ballot application included in such a mailing to:

- Be the official application for advance voting ballot by mail provided by the Secretary;
- Not have any portion of such application form completed prior to mailing<sup>1</sup>; and
- Contain an envelope addressed to the appropriate county election office for the mailing of such application.

The bill prohibits the person mailing the application to the voter from directing the completed application be returned to such person. Violation of this section is a class C nonperson misdemeanor.

The bill creates exemptions to remain in compliance with the Help America Vote Act (HAVA) of 2002. Additionally, the bill prohibits any person not a resident of Kansas or domiciled in Kansas from mailing or causing to be mailed an application for an advance voting ballot and creates procedure and penalties for the enforcement of this provision.

### ***Alteration of Election Laws***

The bill creates law to prohibit the Governor, the Executive Branch, and the Judicial Branch from altering election laws. Before entering into consent decrees with any court, the Secretary must obtain approval from the Legislative Coordinating Council (LCC). This provision may not be construed to limit or otherwise restrict the judicial power of the state government in the exercise of any of its constitutional powers.

The bill contains a severability clause regarding these provisions.

### ***Election Tampering***

The bill expands the crime of election tampering to include:

- Changing or attempting to change, alter, destroy, or conceal any vote cast by paper ballot or computer;
- Changing or attempting to change any vote by manipulating computer hardware or software, election machines, wireless or cellular transmissions, or vote tabulation methods; or
- Knowingly producing false vote totals.

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<sup>1</sup> The provision of the bill prohibiting any portion of the advance ballot application form to be completed prior to mailing has been permanently enjoined and is not in effect.

The bill clarifies that the crime of election tampering by making or changing any election record does not include making or changing any election record by a person who is lawfully carrying out an election duty.

## **2022 Senate Sub. for HB 2138**

### ***Affidavit System***

The bill requires the Secretary, in consultation with county election officers, to develop an affidavit system to be utilized for the transfer of ballots. Each person who handles ballots must sign an affidavit listing, if applicable, the:

- Number of blank ballots;
- Number of spoiled ballots;
- Number of provisional ballots;
- Number of counted ballots;
- Number of advanced ballots in envelopes;
- Name of the person to whom such ballots were delivered; and
- Location of where the ballots were delivered.

The affidavit system applies to all ballots received, handled, and collected by county election offices prior to, on, and after the date of an election.

Violations of the bill include altering any information provided in an affidavit or providing false information in an affidavit with the intent to hinder, prevent, or defeat a fair election. Such violations constitute a severity level 9 nonperson felony.

### ***Biennial Elections Audit***

The bill creates an election audit procedure to be conducted by the Secretary in the calendar year following the general election of an even-numbered year.

The Secretary will select four counties at random to be audited under the bill, pursuant to certain population criteria from the most recent decennial census.

### ***Watermarks***

The bill requires all voting systems in Kansas to use a paper ballot with a distinctive watermark as established by the Secretary for elections on and after January 1, 2024. The bill creates requirements for the ballots and voting systems and provides for the security and preservation of the ballots once votes have been cast.

The bill requires the paper ballot to be preserved and constitute the official ballot for audit and recount purposes. Each paper ballot must be counted by hand in a recount unless the person requesting the recount elects not to have the ballots counted by hand. In the event of any inconsistencies in vote tallies, the vote tallies of the paper ballots counted by hand will be the true and correct record of votes cast.

The bill also prohibits the use of poll books not requiring a handwritten signature.

### ***Exemptions from Certain Election Crimes for Poll Workers***

The bill amends law to specify a county election officer assisting voters with marking or signing an advance ballot as part of the duties of the county election office would not be a violation of the bill. The bill also adds an exemption to a prohibition on a candidate for office similarly assisting a voter for candidates for office employed by a county election office who are assisting voters in marking or signing such voters' advance voting ballots as employees of that office. The exemption does not apply if the candidate's name appears on the ballot being marked or signed.

### ***Confirmation Notices***

The bill allows a county election officer to remove a registered voter from the registration list if such registrant has had no election-related activity for any four-calendar-year period and the confirmation notice sent by the county election officer is returned as undeliverable.

Under continuing law, a county election officer must send a confirmation notice to a registrant within 45 days of the following events:

- A notice of disposition of a voter registration application is returned as undeliverable;
- Change of address information identifies a registrant whose address may have changed; or
- The USPS provides information that a registrant has moved to a different address inside or outside the registrant's current county of registration.

### ***Crime of Electioneering***

The bill adds exemptions from the crime of electioneering by certain candidates for county election officer, certain candidates for precinct committee person, and other certain candidates for office.

### ***Audit of Elections Within One Percent***

Continuing law requires, for an election to be certified, a manual audit or tally of each vote cast in an election, regardless of voting method, in one percent of all precincts, with a minimum of one randomly selected precinct per county, to be conducted by a sworn election board.

The bill amends law to require such an audit to be conducted in any even-numbered year federal, statewide, or state legislative race where the margin of victory is within one percent. The county election officer will be required to audit ten percent of all county precincts, with a minimum of one precinct, in the same manner as existing audit requirements. The precincts audited will be in addition to precincts audited for any election to be certified.

### ***Canvass Abstracts Available for Review***

The bill requires, upon the publication of the notice of the time and location of the audit required by the bill, that the abstracts of original canvass be made available for review by any authorized poll agent. The bill requires the abstracts from all precincts to be made available for review, not just the abstracts of precincts subject to the audit. [Note: A county election board, upon completion of its canvass, makes and certifies abstracts of the votes cast for each precinct.]

### ***Elections Results — State Board of Canvassers***

The bill requires each county election officer to provide precinct-level election results electronically in machine-readable format for all federal offices, statewide offices, legislative offices, and local offices no later than 30 days after the final canvass of general election results.

### ***Electronic Poll Books***

The bill defines “electronic poll book” and provides for a board of county commissioners (board) and county election officer (officer) to provide them to be used at voting places and for advance voting. Such board and officer are permitted to adopt, experiment with, or abandon any electronic poll book authorized for use in the state.

The bill requires the Secretary to examine and approve the kinds or makes of electronic poll books; no kind or make of electronic poll book will be permitted to be used at any election until it receives certification by the Secretary.

The board and officer may not purchase, lease, or rent any electronic poll book, unless such poll book has been certified by the Secretary. The bill also prohibits the operation of any electronic poll book with network connectivity that does not meet security standards established by the Secretary. The bill also creates requirements for any person, firm, or corporation that desires to sell electronic poll books to political subdivisions in the state.

### ***Electronic or Electromechanical Voting Systems***

The bill requires that any electronic or electromechanical voting system and any optical scanning equipment and systems using optical scanning equipment approved by the Secretary cannot have the capability of connecting to the internet or any other communications or computer network, including Bluetooth or any other wireless communications technology.

### ***Use of Electronic Poll Books and Electronic or Electromechanical Voting Systems***

The bill requires the board and officer to provide the number of units of electronic or electromechanical voting systems or electronic poll books as necessary to equip voting places if they are being used, as well as provide for their storage, safekeeping, repair, and delivery.

Before, during, and after the operation of the polling place, election judges must make all electronic or electromechanical voting systems and vote tabulating equipment available to any candidate or any authorized poll agent for review to ensure there is no connectivity to the internet or to any other communications or computer network.

## ***Testing of Vote Tabulation and Optical Scanning Equipment***

To law requiring officers to have testing conducted of automatic tabulating and optical scanning equipment within five days prior to the date of an election, the bill adds a requirement for public notice of such test to be published on the county website, if the county has a website.

The bill amends law requiring such testing to be repeated after the completion of the canvass to require such repeat testing to be conducted within five business days after the completion of the canvass.

## ***Electronic Poll Book Fraud***

The bill expands the current crime of electronic or electromechanical voting system fraud to include electronic poll book fraud, defined as being in unlawful or unauthorized possession of electronic poll books or intentionally tampering with, altering, disarranging, defacing, impairing, or destroying any electronic poll book, or component thereof. Electronic poll book fraud is a severity level 9 nonperson felony.

## **2022 Senate Substitute for HB 2252**

**Senate Sub. for HB 2252** amends law regarding modifying election laws by agreement.

The Governor, the Secretary, and any other officer in the executive branch are prohibited from entering into a consent decree or other agreement with any state or federal court or any agreement with any other party regarding the enforcement of election law or the alteration of any election procedure without specific approval by the Legislature. [*Note*: Former law restricted only the Secretary from entering into such agreements without specific approval by the LCC.]

If the Legislature is not in session when such agreement is submitted for review, the bill requires approval to be sought from the LCC.

## **2023 SB 221**

### ***Affidavits for Write-in Candidacy***

#### ***Deadlines to Submit Affidavit for Write-in Candidacy***

A write-in candidate for the office of President, Vice President, Governor, Lieutenant Governor, U.S. Senator, U.S. Representative, State Representative, State Senate, State Board of Education member, or any other statewide elected office must submit an affidavit of write-in candidacy to the Secretary by noon on the fourth Monday preceding the general election for such office.

The bill adds a requirement for any individual wishing to run as a write-in candidate for district judge, district magistrate judge, district attorney, any county officer, or any city officer of a city of the first class to file an affidavit of write-in candidacy with the appropriate county election

office by noon on the fourth Monday preceding the election at which the write-in candidate seeks nomination or election.

The Board of Canvassers is prohibited from counting write-in votes for a candidate for the U.S. Senate, U.S. House of Representatives, State House of Representatives, State Senate, State Board of Education, district judge, district magistrate judge, district attorney, any county officer, or any city officer of a city of the first class unless the candidate has filed an affidavit of candidacy.

### *Ballots*

The bill removes a provision that states failure to make a cross or check mark in the square to the left of the write-in candidate name would not invalidate that portion of the ballot unless it is impossible to determine the voter's intention. The removal of this provision means the voter must mark the square by the write-in vote in order for the vote to be counted.

### ***Election Administration***

#### *Secretary of State*

The Secretary is responsible for assisting and advising county election officers in conducting elections in compliance with federal and state laws and rules and regulations.

The bill establishes a deadline for the Secretary to determine the validity of independent nominating petitions and creates procedure for invalid petitions. Designees of the Lieutenant Governor, the Attorney General, and the Secretary, as well as those state officers, are authorized to determine the validity of any certificate of nomination, nomination petition, or declaration of intention to become a candidate for a national or state office and to constitute the State Board of Canvassers.

The bill authorizes the Secretary, after consulting with the Attorney General, to dismiss a complaint alleging violation of federal voting equipment requirements as specified in Title III of HAVA, if the complaint fails to allege facts.

#### *County Election Officer*

The bill states each county election officer is the sole public officer responsible for planning, conducting, and coordinating elections within that county and is responsible for ensuring the elections comply with federal and state laws and rules and regulations.

The bill prohibits any county election office or county election office employee or agent from creating, or permitting any other person to create, an image of the hard drive of any voting system, optical scanning equipment, or any other voting system that contains a hard drive component without the written consent of the Secretary. The bill also requires each county election officer to, in certain circumstances, create a backup copy of the hard drive of any electronic or electromechanical voting system, optical scanning equipment, or any other voting system that contains a hard drive component and maintain such backup copies in a secured location for no less than 22 months.

The bill also makes changes regarding appointed election commissioners who may establish precinct boundaries, prohibits a county election officer from mailing a ballot to a voter unless such ballot was requested or otherwise authorized, and requires the county election officer to publish certain election notifications and materials online.

### *Other*

The bill addresses several other election-related issues including:

- Curing ballots in which the signature does not match the signature on file;
- Amending the definition of “registration book” and adding a definition for “abstract”;
- Counting of provisional partisan ballots by unaffiliated voters in primary elections;
- Allowing authorized poll agents to be present and observe at all recounts and post-election audits;
- Adding the audit of one constitutional amendment question to post-election audits, if such an issue is on the ballot;
- Amending recount procedures in the case of constitutional amendments to allow any registered elector who cast a ballot to request a recount in one or more counties and deadlines for recount requests, among other provisions; and
- Establishing requirements for political parties to establish whether unaffiliated voters may vote in the party’s primary election.

### ***Qualifications for Office***

The bill prohibits anyone convicted of an election-related crime from serving as a county election officer.

Vacancies in the office of county clerk may be made by appointment of a qualified elector of the state, replacing a requirement that the qualified elector live in the county at the time of appointment. [*Note:* Continuing law requires the Governor to appoint the person elected at a district convention of precinct committee persons.]

In law regarding the appointment of a sheriff as a result of a vacancy, the bill requires any individual appointed to the office of sheriff to be a qualified elector of the county on the day the individual is sworn in as sheriff.

In the School Election Act and the Community College Election Act, the bill requires a candidate whose name is inserted on the ballot by the voter to be a qualified elector residing in the district.

### ***Adjusting Election-related Dates and Deadlines***

The bill amends several election-related dates, including timing of municipal elections for the issuance of bonds and elections in cities of the third class regarding selling municipally-owned facilities, among other dates. [*Note:* Generally, these amendments remove conflicts with advance voting statutes and allow ballots to conform with a requirement in the federal

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to transmit absentee ballots to UOCAVA voters no later than 45 days before an election.]

### ***Require Website Notices***

The bill amends law relating to the timing of and publication of certain election-related notices on the county election office website, in addition to publication in newspapers as in continuing law. Additionally, notice of the places and dates for voter registration for each election must be published on the website of the county election office and remain on the website until the day after registration closes.

### ***Election of Precinct Committeemen and Precinct Committeewomen***

The bill requires the county election officer to verify the party affiliation of the candidate when a declaration of intention is filed to become a candidate for precinct committeeman or committeewoman and adds the requirements that the person live in the precinct, be a qualified elector, and be a member of such party as shown by the party affiliation list maintained in the county election office. The bill prohibits a candidate for precinct committeeman or committeewoman from filing a declaration of intention to be a candidate unless that person lives in the precinct.

The bill specifies each precinct committeeman and committeewoman will assume the duties of those offices on the day after the primary election and will not be required to take an oath required of all officers elected or appointed under Kansas law before beginning their duties. The bill also creates requirements and procedure for the Secretary to maintain and update a list of all precinct committee persons and their contact information.

### ***Election Crime***

The bill amends the definition of electronic or electromechanical voting system or electronic poll book fraud and the definition of optical scanning equipment fraud to add unlawfully accessing or publishing information related to the equipment.

### ***Election Equipment***

For elections conducted in counties that do not use tabulators or optical scanners to count votes, the bill creates requirements related to ballot box procedures.

The bill clarifies that any voting equipment, as well as facility ballots and voting records and materials as in continuing law, used at a nursing facility, assisted living facility, or hospital-based long-term care unit must be returned to the county election officer.

### ***Additional Provisions***

The bill amends and creates other election-related law, including:

- Requiring counties with a population of more than 125,000, rather than 130,000, to have an election commissioner appointed by the Secretary;

- Requiring the Secretary to form a search committee to identify, interview, and recommend at least three candidates for the position of election commissioner;
- Requiring any individual appointed to the position of election commissioner to be a Kansas resident for at least two years prior to appointment and be a resident of the county on the day such election commissioner files the oath of office;
- Requiring each signer of a nomination petition for Governor and Lieutenant Governor to provide the street and number, if any, of the signer's residence;
- Requiring, in the case of a recall of a local official, the appropriate attorney to determine the sufficiency of the grounds stated in the petition for recall within five business days, rather than within five days as in former law; and
- Removing a provision allowing voters present to select election judges and clerks if none are present for more than an hour after notice to the county election officer, among other changes.

### **2023 Senate Sub. for HB 2053**

#### ***2024 Presidential Preference Primary Election***

The bill requires, on March 19, 2024, each recognized political party to hold a presidential preference primary election for the purpose of electing the preferred nominee of the political party for the office of President and Vice President of the United States. [Note: This requirement does not apply to any political party whose candidate for Governor did not poll at least 5.0 percent of the total vote cast for all candidates for Governor in the preceding general election.]

Any political party electing to not participate in the presidential preference primary election may submit written notice to the Secretary on or before December 1, 2023.

#### ***Candidate for a Political Party Nomination***

Candidates for a political party nomination for President of the United States must file the appropriate registration information with the Federal Election Commission (FEC) to become a candidate. A candidate for a political party's presidential nomination must also file one of the following with the Secretary no later than noon on the date that is 60 days prior to the date of the presidential preference primary:

- A declaration of intent to become a candidate filed by the candidate and accompanied by a fee of \$10,000 (replacing a \$100 fee in former law); or
- A petition in the form prescribed by continuing law, signed by no fewer than 5,000 registered electors, who are affiliated with the political party of such candidate as shown by the party affiliation list. The Secretary would determine the sufficiency of each petition, and the determination would be final.

The bill states all fees received by the Secretary pursuant to this section would be remitted to the State Treasurer and deposited in the State Treasury to the credit of the State General Fund (SGF).

### ***Election Procedures***

The bill creates procedures for presidential primary elections, including:

- Deadlines for advance voting ballot applications to be filed and advance ballots to be delivered for presidential primary elections;
- Registration of voters by county election officers prior to a presidential preference primary election and timing for processing of applications;
- An audit to be performed manually, conducted in accordance with continuing law;
- Notice of the presidential preference primary election, to be published no less than 31 days prior;
- Meeting of the county board of canvassers to prepare and transmit an abstract of the vote in each county; and
- Selection of delegates for national party conventions.

### **2023 HB 2087**

HB 2087 amends law regarding the selection of presidential electors, the day presidential electors meet and perform their required duties, and contests to the election of the presidential electors. [Note: This will update Kansas statutes to reflect new federal law, the Electoral Count Reform and Presidential Transition Improvement Act, included in the Consolidated Appropriations Act of 2023, P.L. 117-328.] The bill also repeals statutes related to presidential electors and political parties that are no longer in current use.