

SENATE BILL No. 221

AN ACT concerning elections; relating to election procedures; requiring affidavits of write-in candidacy for certain locally elected offices; providing requirements for counting write-in votes on ballots; clarifying duties and qualifications of certain election officials; redefining certain election crimes; amending K.S.A. 10-120, 15-809, 19-303, 19-804, 19-3419, 19-3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-213, 25-303, 25-305, 25-308, 25-321, 25-432, 25-433, 25-604, 25-901, 25-1115, 25-1122, 25-1214, 25-1903, 25-2005, 25-2008, 25-2018, 25-2021, 25-21a02, 25-2310, 25-2502, 25-2507, 25-26a03, 25-2702, 25-2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-2903, 25-2905, 25-3002, 25-3005, 25-3104, 25-3107, 25-3201, 25-3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-4322, 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424, 25-3009 and 25-4414 and repealing the existing sections; also repealing K.S.A. 25-222, 25-305b, 25-1709, 25-1710 and 25-2601.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-305 is hereby amended to read as follows: 25-305. (a) Certificates of nomination by convention or caucus for the nomination of candidates for national, state, county and township offices shall be filed with the secretary of state, or the county election officer, not later than 12:00 noon, on the day fixed for the deadline for filing petitions for nomination and declarations of intent to become candidates in accordance with K.S.A. 25-205, and amendments thereto, preceding the national, state, county and township general election, except when such date falls on Saturday, Sunday or a holiday, and then not later than 12:00 noon the following day that is not a Saturday, Sunday or a holiday.

(b) Independent nomination petitions for the nomination of candidates for national, state, county and township offices shall be filed with the secretary of state or the county election officer no later than 12:00 noon on the Monday preceding the date fixed for the holding of primary elections in accordance with K.S.A. 25-203, and amendments thereto, preceding a national, state, county or township general election.

(c) An affidavit of write-in candidacy for the offices of governor and lieutenant governor shall be filed with the secretary of state ~~no~~ not later than 12:00 noon on the ~~2nd~~ *fourth* Monday preceding the general election for those offices.

(d) An affidavit of write-in candidacy for the offices of president and vice-president shall be filed with the secretary of state ~~no~~ not later than 12:00 noon on the ~~2nd~~ *fourth* Monday preceding the general election for those offices.

(e) *An affidavit of write-in candidacy for the offices of United States senator and United States house of representatives shall be filed with the secretary of state not later than 12:00 noon on the fourth Monday preceding the election at which the write-in candidate seeks nomination or election.*

(f) An affidavit of write-in candidacy for state offices elected on a statewide basis other than offices subject to subsection (c) shall be filed with the secretary of state ~~no~~ not later than 12:00 noon on the ~~second~~ *fourth* Monday preceding the election at which the write-in candidate seeks nomination or election.

(g) *An affidavit of write-in candidacy for members of the state house of representatives, state senate or members of the state board of education shall be filed with the secretary of state not later than 12:00 noon on the fourth Monday preceding the election at which the write-in candidate seeks nomination or election.*

(h) *An affidavit of write-in candidacy for district judges, district magistrate judges, district attorneys, any county officer or any city officer of a city of the first class shall be filed with the appropriate county election office not later than 12:00 noon on the fourth Monday preceding the election at which the write-in candidate seeks nomination or election.*

Sec. 2. K.S.A. 25-2903 is hereby amended to read as follows: 25-2903. Except as otherwise provided by law, if a voter desires to vote for a

person whose name is not on the ballot, the voter shall write the name of such person in the blank space, if any is provided, under the appropriate title of the office. ~~Failure to make a cross or check mark in the square to the left of such name shall not invalidate that portion of the ballot unless it is impossible to determine the voter's intention.~~ If no blank space is provided for writing in the name of a person whose name is not on the ballot, voters may not vote for any person whose name is not on the ballot.

Sec. 3. K.S.A. 25-3002 is hereby amended to read as follows: 25-3002. (a) The rules prescribed in this section shall apply to:

- (1) The original canvass by election boards.
- (2) Intermediate and final canvasses by county boards of canvassers.
- (3) Final canvass by the state board of canvassers.
- (4) All election contests.
- (5) All other officers canvassing or having a part in the canvass of any election.

(b) *The following shall be* rules for canvassers:

(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.

(2) The occurrences listed in this ~~subpart (2)~~ *paragraph* shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in such portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this ~~subpart (2)~~ *paragraph* shall apply are:

(A) Whenever a voting mark shall be made in the square at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted; *and*

(B) whenever a voting mark is placed in the square at the left of a space where no candidate is listed.

(3) When a registered voter has cast a provisional ballot intended for a precinct other than the precinct in which the voter resides but located within the same county, the canvassers shall count the votes for those offices or issues ~~which~~ *that* are identical in both precincts. The canvassers shall not count the votes for those offices or issues ~~which~~ *that* differ from the offices or issues appearing on the ballot used in the precinct in which the voter resides.

(4) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:

(A) Both candidates' names are written on the ballot; or

(B) only the name of the candidate for governor is written on the ballot.

(5) A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:

(A) Both candidates' names are written on the ballot; or

(B) only the name of the candidate for president is written on the ballot.

(6) *A write-in vote for candidates for the offices of Unites States senator and United States house of representatives shall not be counted*

unless the candidate has filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto.

(7) A write-in vote for candidates for state offices elected on a statewide basis other than offices subject to paragraph (4), *the state house of representatives, state senate, state board of education, district judges, district magistrate judges, district attorneys, any county officer or any city officer of a city of the first class* shall not be counted unless the candidate has filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto.

~~(7)~~(8) Any advance voting or mail ballot whose envelope containing the voter's written declaration is unsigned, shall be wholly void and no vote thereon shall be counted.

~~(8)~~(9) No ballot cast shall be counted if the voter fails to provide valid identification as defined by K.S.A. 25-2908, and amendments thereto.

(10) *When a registered voter who is unaffiliated with a political party has cast a provisional partisan ballot in a primary election, the canvassers shall count the votes for those offices or issues for which an unaffiliated voter may cast a vote. The canvassers shall not count the votes for those offices for which only a voter who is affiliated with a political party may cast a vote.*

New Sec. 4. (a) The secretary of state shall be responsible for assisting and advising county election officers in conducting elections in compliance with federal and state laws and rules and regulations.

(b) Each county election officer shall be the sole public officer responsible for planning, conducting and coordinating elections held within such officer's county. Such officer shall be responsible for ensuring that all such elections comply with federal and state law and rules and regulations.

New Sec. 5. No person shall serve as a county election officer if such person has been convicted of any crime described in chapter 25 of the Kansas Statutes Annotated, and amendments thereto, or of any crime in any other jurisdiction that is substantially the same as any such crime.

New Sec. 6. (a) Except as provided in subsection (b), no county election office or any employee or agent thereof shall create, or permit any other person to create, or disclose to any person an image 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 without the written consent of the secretary of state.

(b) Each county election officer shall 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. Such backup copies shall be created immediately prior to and immediately after any system updates, repairs or improvements and prior to and after each general election. The county election officer shall maintain such backup copies in a secured location for not less than 22 months.

Sec. 7. K.S.A. 10-120 is hereby amended to read as follows: 10-120. (a) Whenever an election is required for the issuance of bonds for any purpose by any municipality other than an irrigation district or where a different procedure for giving notice of the election is specifically provided by law, upon compliance with the legal requirements necessary and precedent to the call for the election, the proper municipal officers shall call an election. The election shall be held within—~~45~~ 60 days after compliance with the necessary requirements, or within 90 days, should the longer period include the date of a general election.

(b) Notice of the election shall be published in a newspaper of

general circulation in the municipality once each week for two consecutive weeks. The first publication shall be not less than 21 days prior to the election. *Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall be published not less than 21 days prior to the election and shall remain on the website until the day after the election.* The notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued and shall be signed by the county election officer. The election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in the municipality.

Sec. 8. K.S.A. 15-809 is hereby amended to read as follows: 15-809. (a) Any city of the third class ~~which~~ *that* owns an electric light or waterworks plant, electric transmission line, or water, gas or electric distribution system may sell the same, except that the sale shall not be made until the proposition of whether to sell has been submitted to a vote of the qualified electors of the city. If a majority of the qualified electors who vote in the election vote in favor of the sale, the governing body may dispose of the plant, transmission line or distribution system, according to the proposition voted on at the election. The proposition submitted to the electors shall contain a statement of the proposed sale price and the name of the purchaser.

(b) When the governing body *of such city* decides to put the proposition to a vote, ~~it~~ *the governing body* shall pass an ordinance calling an election to be held within ~~40~~ 60 days after the passage of the ordinance. The mayor shall cause a notice of the election to be published once a week for two consecutive weeks, *with* the first publication to be not less than 21 days preceding the election. *Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall be published not less than 21 days prior to the election and shall remain on the website until the day after the election.* The notice shall state the purpose of the election, giving the sale price and the name of the purchaser, the date of the election, and the places of voting. The proposed purchaser shall bear all the expenses of the election.

(c) All sales shall be for cash, and the proceeds of the sale shall be applied upon the payment of any outstanding bonds or obligations incurred in the purchase, erection or improvement of the property sold. The excess, if any, shall be paid into the general fund of the city. If the city is unable to purchase the unmatured bonds issued for the purchase, erection or improvement of the property sold, the governing body may invest the money necessary to take up such bonds at maturity in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or in any municipal bonds of this state, ~~which~~ *and such bonds* shall become due prior to the due date of the bonds issued for the purchase, erection or improvement of the property sold, or in government bonds or federal landbank bonds. The purchase price and proceeding of the sale shall be filed with the state corporation commission.

Sec. 9. K.S.A. 19-303 is hereby amended to read as follows: 19-303. If a vacancy in the office of county clerk should occur by death, resignation, or otherwise, the vacancy shall be filled by appointment of a qualified elector ~~of the county~~ *this state* in the manner ~~herein~~ provided *in this section*. If the vacancy occurs on or after May 1 of the second year of the term, the person so appointed shall serve for the remainder of the unexpired term and until a successor is elected and qualifies. If the vacancy occurs before May 1 of the second year of the

term, the person appointed to fill the vacancy shall serve until a successor is elected and ~~qualifies~~ *qualified* at the next general election to serve the remainder of the unexpired term. Nomination and election of such successor shall be in the same manner as nomination and election of a county clerk for a regular term. Appointments hereunder shall be made in the manner provided by law for filling vacancies in the office of member of the house of representatives.

Sec. 10. K.S.A. 19-804 is hereby amended to read as follows: 19-804. Except in those counties operating under the provisions of consolidated law enforcement acts, whenever a vacancy occurs in the office of sheriff of any county, the undersheriff of such county shall in all things execute the office of sheriff until a sheriff shall be appointed by the governor in the manner provided by law for filling vacancies in the office of member of the house of representatives. *Any individual appointed to the office of sheriff shall be a qualified elector of the county on the day such individual is sworn in as sheriff of such county.* If the vacancy occurs on or after May 1 of the second year of the term, the person so appointed shall serve for the remainder of the unexpired term and until a successor is elected and ~~qualifies~~ *qualified*. If the vacancy occurs before May 1 of the second year of the term, the person appointed to fill the vacancy shall serve until a successor is elected and ~~qualifies~~ *qualified* at the next general election to serve the remainder of the unexpired term. Nomination and election of such successor shall be in the same manner as nomination and election of a sheriff for a regular term. Any default or misfeasance in office of such undersheriff in the meantime, as well as before such vacancy, shall be deemed to be a breach of the condition of the bond given by the sheriff who appointed the undersheriff, and also a breach of the condition of the bond executed by such undersheriff to the sheriff by whom the undersheriff was appointed.

Sec. 11. K.S.A. 19-3419 is hereby amended to read as follows: 19-3419. In counties of this state having a population exceeding ~~130,000~~ *125,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto, or as otherwise determined pursuant to K.S.A. 11-202, and amendments thereto,* there shall be an office of commissioner of elections, ~~which~~ *that* shall be administered by an election commissioner. The election commissioner shall be appointed by the secretary of state and shall hold office for a term of four years and until a successor is appointed and qualified. *The secretary, in consultation with the chairperson of the board of county commissioners for the county where an election commissioner is to be appointed, shall form a search committee to identify, interview and recommend to the secretary at least three candidates for the position of election commissioner. Such search committee shall include the chairperson of the board of county commissioners for such county, or a county commissioner for such county as designated by the chairperson, a representative of such county's human resources department and three representatives of the secretary of state's office.* The secretary of state may remove the election commissioner for official misconduct. Upon occurrence of a vacancy in the office of county election commissioner, the secretary of state shall appoint a successor. If the vacancy occurs before the expiration of a term of office, the appointment shall be for the unexpired term. ~~Such election commissioner shall have been a qualified elector and a resident of the county at least two years prior to appointment. Such election commissioner shall have been a resident of the state at least two years prior to appointment.~~ Within 10 days after receiving official notice of the appointment and before entering upon the duties of the office, the

election commissioner shall take, subscribe and cause to be filed in the office of the secretary of state an oath of office for the faithful discharge of official duties. *The election commissioner shall be a resident of the county on the day such election commissioner files the oath of office.*

Sec. 12. K.S.A. 19-3422 is hereby amended to read as follows: 19-3422. All the jurisdiction, powers and duties now or hereafter conferred by law upon the county clerks and city, school and township officers relating to the conduct, supervision and control of elections, are hereby withdrawn from ~~said~~ *such* county clerks and city, school and township officers; in all counties having a population of more than ~~one hundred thousand (100,000)~~ *125,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto, or as otherwise determined pursuant to K.S.A. 11-202, and amendments thereto, and the same* *such* jurisdiction, powers and duties are conferred upon the election commissioner appointed as provided in K.S.A. 19-3419; ~~and, and amendments thereto.~~ All laws of the state relating to the registration, qualification, challenging and voting of electors at any election in any such county are conferred upon and made applicable to the county election commissioner.

Sec. 13. K.S.A. 2022 Supp. 19-3424 is hereby amended to read as follows: 19-3424. (a) The election commissioner, in the conduct of elections, shall operate under the general supervision of the secretary of state and shall comply with the statutes, rules and regulations and standards and directives that relate to the registration of voters and the conduct of elections. The election commissioner shall:

(1) Establish and fix the boundaries of wards and precincts within the county and in all cities the greater part of the population of which is located in the county. The commissioner shall accept and file nomination ~~petitions and declaration papers~~ *declarations of intention* of candidates and declarations of party affiliation;

(2) give notice by publication in the official county paper; ~~and on the website of the county election office of any county where the election is to be conducted.~~ *Such notice shall be published at least 15 days before the holding of* ~~of~~ *prior to* any election, except as otherwise provided by law, ~~of and shall provide the time of holding the election, and the officers at that time to be chosen; and any other matters to be voted upon;~~

(3) publish notice giving the proper party designation if required by law, the title of each office, the names and addresses of all persons seeking national and state offices ~~and, as certified to the county election officer by the secretary of state, and of all persons from whom nomination papers petitions or declarations of intention have been filed with the election officer, giving the name and address of each, the title to the office, the day of the election, the hours during which the polls will be open and the location of the voting place in each precinct or area, and mail to all persons whose nomination petitions or declaration papers declarations of intention are on file with the election officer; a copy of the first issue containing the publication notice;~~

(4) have charge of the printing of the ballots for all elections to which this act applies held within the county, or held within any city, school district, township or drainage district located in the county. The commissioner shall conduct negotiations for the letting of the contract to print ballots and shall let the contract, with the approval of the board of county commissioners; and

(5) be the clerk of the court for the trial of contested elections except national and state elections, and all intentions to contest any election shall be filed with the election commissioner.

(b) In the administration of the office of the election commissioner, any action taken by the election commissioner shall be subject to the following provisions established by the board of county commissioners applicable to all county departments, agencies and officials:

- (1) Personnel policies and procedures;
- (2) any pay plan, compensation plan and benefits for county employees;
- (3) purchasing policies and procedures;
- (4) budgeting policies and procedures;
- (5) financial policies and procedures; and
- (6) auditing policies and procedures.

(c) Each year, consistent with the county's budgeting procedures, the election commissioner shall submit to the board of county commissioners a requested budget for the office of the election commissioner showing the amount of funding deemed necessary to pay the costs for salaries of the election commissioner, any deputy or assistant election commissioners; and other employees of the office, together with the projected costs and expenses of the office for the next ensuing budget year. The board of county commissioners shall consider the request in the same manner as other departments and agencies of the county and shall approve and adopt a budget for the office of election commissioner within the county budget in an amount determined by the board of county commissioners to be sufficient and adequate for the performance of the duties of the office and the conduct of elections as required by law.

Sec. 14. K.S.A. 19-3439 is hereby amended to read as follows: 19-3439. Notwithstanding the provisions of any statute to the contrary, in any county ~~having a population of more than one hundred and forty thousand (140,000) and less than two hundred and twenty thousand (220,000);~~ where an election commissioner has been appointed all ward and precinct boundary lines shall be established and may be changed from time to time, exclusively by the election commissioner of any such county. No precinct shall be divided by a ward boundary line. Whenever the governing body of any city proposes to adopt an annexation ordinance, at least seven ~~(7)~~ days prior to such adoption, ~~if the governing body~~ shall notify the county election officer by transmitting a copy of the proposed ordinance to ~~him~~ such officer, together with a statement of the date the proposed ordinance, if passed, will take effect in accordance with the provisions of K.S.A. 12-523, and amendments thereto. If the county election officer is of the opinion that the date such ordinance takes effect will materially interfere with any election, ~~he~~ such officer shall so certify, stating ~~his~~ the reasons therefor, to the governing body of such city and deliver a copy of such certificate to the secretary of state. Whenever any such certificate is filed with the governing body of a city and the secretary of state, the ordinance to which it applies shall not take effect until the day after the election with which it will interfere, and if such an ordinance will materially interfere with the primary ~~state-wide~~ statewide election in the opinion of the county election officer, such ordinance shall not take effect until the day after the ~~state-wide~~ statewide general election. In the event that the governing body of any city ~~which~~ that receives a certificate under this ~~act~~ section is aggrieved thereby because the reasons for the opinion of the county election officer are deemed incorrect or insufficient, such governing body may appeal the decision to the district court. In any such case the district court shall advance the appeal for immediate determination as the public interest may require. A copy of any such appeal shall be filed with the secretary of state at the time the appeal is made, and the secretary of state shall file a

statement of position with respect to the matter in controversy with the district court.

Sec. 15. K.S.A. 25-105 is hereby amended to read as follows: 25-105. Except as otherwise provided by law, the county election officer shall cause notice of the time of the holding of any general election to be published once at least ~~15~~ 30 days before such election, ~~except in the case of special elections, when 10 days' notice shall be given.~~ Such notice shall be published in a paper or papers having circulation in such county. *Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall be published not less than 30 days prior to the election and shall remain on the website until the day after the election.* Such notice shall state the date and times of such election, the name of each person nominated for any public office to be voted upon and any propositions to be voted upon. If such election is not held in conjunction with another election for which notice of voting areas and polling places has been published, the notice required by this section shall also include such information. When the names to appear on general election ballots are definitely known and ~~no~~ not later than ~~25~~ 50 days prior to any general election, the county election officer shall mail a copy of such notice to each person nominated for any public office, except candidates for president and vice president of the United States, and to judicial retention candidates.

Sec. 16. K.S.A. 25-203 is hereby amended to read as follows: 25-203. ~~(a) Except as otherwise provided in subsection (b),~~ The primary national, state, county and township election shall be held on the first Tuesday of August in even-numbered years for the nomination of all candidates to be voted for at the next following general election.

~~(b) In the year 1992, if new boundary lines are defined and districts established in the manner prescribed by law for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas, and member of the state board of education, on or after June 13, 1992, the primary national, state, county and township election shall be held on August 25, 1992, for the nomination of all candidates to be voted for at the next following general election.~~

Sec. 17. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a) Within 10 days, Saturdays, Sundays and holidays not included, from the date of the filing of nomination petitions or a declaration of intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days, including Saturdays, Sundays and holidays, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

(b) Within three days from the date of the filing of nomination petitions or a declaration of intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such petitions or declaration. *The county election officer shall verify the party affiliation of the candidate at the time a declaration of intention is filed to become a candidate for precinct committeeman or committeewoman.*

(c) If any nomination petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case

may be, shall notify the candidate on whose behalf the petitions or declaration was filed that such nomination petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the secretary of state or the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 18. K.S.A. 25-211 is hereby amended to read as follows: 25-211. The county election officer shall, at least ~~two (2) weeks before~~ *50 days prior to* the primary election, mail to each person whose name is to appear on the official ballot in such county, ~~to the address given in such papers, a copy of the first issue of the county paper containing the names and addresses and to the chairpersons of the political parties of such county~~ *a list of those candidates whose names will be printed on the national, state, county and township primary election ballots, including the office, the candidate's name, the city where the candidate resides and the candidate's political party, as such information will appear on the primary election ballot. The chairman chairperson of each political party shall or any candidate may, on or before the eleventh 45th day preceding such primary election, suggest to the county election officer any changes that he may consider should be made in to the ballot applicable to his party, and, if upon examination the county election officer shall find any error or omission in said such ballot, he the county election officer shall correct the ballot and cause the same such ballot to be printed and distributed as required by law in the case of ballots for the national, state, county and township general election. The number of ballots of each party to be furnished to each precinct shall be adequate in the opinion of the county election officer.*

Sec. 19. K.S.A. 25-213 is hereby amended to read as follows: 25-213. (a) At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices.

(b) The official primary election ballots shall have the following heading:

OFFICIAL PRIMARY ELECTION BALLOT

_____ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space, if any is provided, and make a cross or check mark in the square to the left.

The words national and state or the words county and township shall appear on the line preceding the part of the form shown above.

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from _____ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator _____ district, representative _____ district, district judge _____ district, district magistrate judge _____ district, district attorney _____ judicial district, and member state board of education _____ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: Commissioner _____ district, county clerk, treasurer, register of deeds, county attorney,

sheriff, township trustee, township treasurer, township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

To the left of each name there shall be printed a square. Official primary election ballots may be printed in one or more columns. The names certified by the secretary of state or county election officer shall be printed on official primary election ballots and no others. In case there are no nomination petitions or declarations on file for any particular office, the title to the office shall be printed on the ballot followed by a blank line with a square, and such title, followed by a blank line, may be printed in the list of candidates published in the official paper. No blank line shall be printed following any office where there are nomination petitions or declarations on file for the office except following the offices of precinct committeeman and precinct committeewoman.

(c) Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may be printed on the same ballot as such candidate and also as a candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on the ballot or on the official primary election ballot for county and township offices except for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on the county and township ballot except for precinct committeeman or committeewoman.

(d) No person shall be elected to the office of precinct committeeman or precinct committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes, *resides in such precinct, is a qualified elector and is a member of such party as shown by the party affiliation list maintained in the county election office.* As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than 5% of the total of the current voter registration designated in the state, county or district in which the office is sought, as compiled by the office of the secretary of state, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nomination petitions or declarations have been filed if such candidate receives three or more write-in votes. No such person shall be required to obtain more than 5,000 votes.

(e) The secretary of state by rules and regulations shall develop the official ballot for municipal elections in odd-numbered year elections.

(f) A person who won the primary election as a result of the person's name being written in on the primary ballot shall have such

person's name printed on the official general election ballot for national, state, county, township or municipal office, unless the person notifies, in writing, the secretary of state for national or state office or the county election office for all other offices within 10 days following the canvass of the primary election that the person does not want such person's name on the official general election ballot.

Sec. 20. K.S.A. 25-303 is hereby amended to read as follows: 25-303. (a) This section shall not apply to city and school elections, nor to election of other officers provided by law to be elected in ~~April~~ *odd-numbered years*.

(b) All nominations other than party nominations shall be independent nominations. No person who has declared and retains a party affiliation in accordance with K.S.A. 25-3301, and amendments thereto, shall be eligible to accept an independent nomination for any office.

(c) Independent nominations of candidates for any office to be filled by the voters of the state at large may be made by nomination petitions signed by not less than 5,000 qualified voters for each candidate and in the case of governor and lieutenant governor for each pair of such candidates.

~~(e)~~(d) Independent nominations of candidates for offices to be filled by the voters of a county, district or other division less than a state may be made by nomination petitions signed by voters equal in number to not less than 4% of the current total of qualified voters of such county, district or other division as compiled by the office of the secretary of state in the case of state offices and as compiled in the office of the county election officer and certified to the secretary of state in accordance with K.S.A. 25-2311, and amendments thereto, in the case of local offices, and in no case to be signed by less than 25 nor more than 5,000 qualified voters of such county, district or division, for each candidate.

~~(d)~~(e) Independent nominations of candidates for offices to be filled by the voters of a township may be made by nomination papers signed by not less than 5% of the current total of qualified voters of such township, computed as above provided, for each candidate, and in no case to be signed by less than 10 such voters of such township for each candidate.

~~(e)~~(f) The signatures to such nomination petitions need not all be appended to one paper, but each registered voter signing an independent certificate of nomination shall add to the signature such petitioner's place of residence and post office address. All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit of the candidate or a petition circulator shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator or candidate, a verification, signed by the circulator or candidate, to the effect that such circulator or candidate personally witnessed the signing of the petition by each person whose name appears thereon.

~~(f)~~(g) No such nomination ~~paper~~ *petition* shall contain the name of a candidate for governor without in the same such ~~paper~~ *petition* containing the name of a candidate for lieutenant governor, and if it does it shall be void.

~~(g)~~(h) No person shall join in nominating more than one person for the same office, and if this is done, the name of such petitioner shall not be counted on any certificate.

(i) *Within 20 days after receipt of an independent nominating petition, but not later than the date of the meeting of the state board of canvassers in accordance with K.S.A. 25-3205, and amendments thereto, the secretary of state shall determine the validity of such*

independent nominating petition. If any independent nomination petitions are found to be invalid, the secretary of state shall notify the candidate on whose behalf the independent nomination petitions were filed that such nomination petitions have been found to be invalid and the reason for such finding of invalidity. Such candidate may make objection to the finding of invalidity by the secretary of state in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 21. K.S.A. 25-308 is hereby amended to read as follows: 25-308. (a) Any certificate of nomination, nomination petitions or declaration of intention to become a candidate, filed or issued in apparent conformity with law, shall be deemed to be valid unless:

(1) ~~An objection thereto~~ is made in writing within three days from the date the certificate, petitions or declaration is filed with or issued by the proper officers; or

(2) in the case of certificates of nomination, nomination petitions and declarations of intention to become a candidate, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a, and amendments thereto.

(b) If the secretary of state or the county election officer finds any certificates of nomination, nomination petitions or declaration of intention to become a candidate to be invalid pursuant to K.S.A. 25-208a, and amendments thereto, the candidate on whose behalf the certificates, petitions or declaration was filed may make objection to such finding in writing within three days of receipt by the candidate of notice of such finding.

(c) In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state, and attorney general, *or such officer's designee*, and a decision of a majority of these officers, *or such officers' designees*, shall be final. In the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, county attorney or district attorney and an elected official of the county whose position is not involved in the controversy, who shall be designated by the county election officer. The decision of a majority of these officers shall be final.

(d) In any case where objection is made, notice shall be given immediately, by the officer with whom the objections are filed, to the other officers required to determine the matter and to the candidates affected by such objection, addressed in the case of candidates to their places of residence as given in the nomination petitions, declaration of intention to become a candidate or certificate of nomination. The notice shall state the time when the objection will be considered. Such time shall not be more than five days following the giving of such notice in the case of nomination of a national or state officer and not be more than three days following the giving of such notice in the case of nomination of a county, township, city or school officer, and the place where such objections will be considered.

(e) The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436, and amendments thereto. The officers determining any objections under this section may assess any costs arising from such determination to either the objector or objectee in accordance with the determination made. Such costs shall be paid to the secretary of state or the county election officer, as the case may be, and deposited in the treasury of the state or county to the credit of its general fund. If such costs are not paid within 10 days after being fixed, the secretary of state or county election officer shall make a certificate of the facts and file it with the clerk of the district court in the county where the person resides who must pay such costs. Such

clerk of the district court shall collect such costs as in cases of collection of court costs, and when collected such costs shall be disposed of as are court costs in such district court.

(f) All mandamus proceedings to compel an officer to certify and place upon the ballot any name or names, and all injunction proceedings to restrain an officer from certifying and placing upon the ballot any name or names, must be commenced not less than ~~45~~ 60 days before the election.

Sec. 22. K.S.A. 25-321 is hereby amended to read as follows: 25-321. A person appointed to the office of state representative under the provisions of this act may hold the office for the remainder of the term. Any person appointed to the office of senator under the provisions of this act may hold the office: (a) If the vacancy occurs prior to May 1 of the second year of the term, until the next general election, when a senator shall be elected to fill the term; or (b) if such vacancy occurs ~~after~~ on or after May 1 of the second year of the term, for the remainder of the term. In cases where the appointment of a senator is until the next general election, nomination and election of such successor shall be in the same manner as nomination and election of a senator for a regular term.

Sec. 23. K.S.A. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:

(a) Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision;

(b) the secretary of state approves a written plan for conduct of the election, ~~which shall include~~ *including, but not limited to*, a written timetable for the conduct of the election, submitted by the county election officer;

(c) the election is nonpartisan;

(d) the election is not one at which any candidate is elected, retained or recalled;

(e) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots, except this restriction shall not apply to mail ballot elections held under K.S.A. 79-2925c, and amendments thereto; and

(f) the election is a question submitted election at which all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

(1) Counties;

(2) cities;

(3) school districts, except in an election held pursuant to K.S.A. 72-635 et seq., and amendments thereto;

(4) townships;

(5) benefit districts organized under K.S.A. 31-301, and amendments thereto;

(6) cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;

~~(7) combined sewer districts organized under K.S.A. 19-27,169, and amendments thereto;~~

~~(8)~~ community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;

~~(9)~~(8) fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;

~~(10)~~(9) hospital districts;

~~(11)~~(10) improvement districts organized under K.S.A. 19-2753, and amendments thereto;

~~(12)~~(11) Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;

~~(13) sewage disposal districts organized under K.S.A. 19-27,140, and amendments thereto;~~

~~(14)~~(12) water districts organized under K.S.A. 19-3501 et seq., and amendments thereto;

~~(15)~~(13) transportation development districts created pursuant to K.S.A. 2022 Supp. 12-17,140 et seq., and amendments thereto; or

~~(16)~~(14) any tract of land annexed pursuant to K.S.A. 12-521, and amendments thereto.

Sec. 24. K.S.A. 25-433 is hereby amended to read as follows: 25-433. (a) The county election officer shall mail all official ballots with a return identification envelope and instructions sufficient to describe the voting process to each elector entitled to vote in the election on one date not sooner than the 20th day before the date of the election and not later than the 10th day before the date of the election. Ballots mailed by the county election officer shall be addressed to the address of each elector appearing in the registration records, and placed in an envelope ~~which~~ *that* is prominently marked "Do Not Forward." Ballots shall not be mailed to any inactive voter who, based on information provided by the postal service, appears to have moved to a residence address outside the county in which the voter is currently registered and who has been mailed a confirmation notice as described in ~~subparagraph (4) of subsection (c) of K.S.A. 25-2316c(e)(4)~~, and amendments thereto, or because a "Forwarding Order Expired" or "Moved — No Forwarding Address" notice was received from the post office. Any inactive voter who believes such voter is entitled to vote in the election may request a replacement ballot as provided for in subsection (d) of this section.

(b) Upon receipt of the ballot the elector shall mark it, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county election officer by United States mail, if it is received by the county election officer by the date of the election, or personally deliver the ballot to the office of the county election officer before noon on the date of the election. The ballot shall be returned in the return identification envelope. The county election officer shall provide for the payment of postage for the return of ballot envelopes.

(c) The return identification envelope shall contain the following form:

I declare under penalty of election perjury, a felony, that I am a resident and a qualified voter for this election as shown on voter registration records and that I have voted the enclosed ballot and am returning it in compliance with Kansas law, and amendments thereto, and have not and will not vote more than one ballot in this election.

I also understand that failure to complete the information below will invalidate my ballot.

Signature

Residence Address

(d) If the ballot is destroyed, spoiled, lost or not received by the elector, the elector may obtain a replacement ballot from the county election officer as provided in this subsection. An elector seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form prescribed by the secretary of state, that the ballot was destroyed, spoiled, lost or not received. The applicant shall deliver the statement to the county election officer before noon on the date of the election. The applicant may mail the statement to the county election officer, except a county election officer shall not transmit a

ballot by mail under this subsection unless the application is received prior to the close of business on the second day prior to the election. When an application is timely received under this subsection, the county election officer shall deliver the ballot to the voter if the voter is present in the office of the county election officer, or promptly transmit the ballot by mail to the voter at the address contained in the application, except when prohibited in this subsection. The county election officer shall keep a record of each replacement ballot provided under this subsection.

(e) A ballot shall be counted only if: (1) It is returned in the return identification envelope; (2) the envelope is signed by the elector to whom the ballot is issued; and (3) the signature has been verified as provided in this subsection. The county election officer shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration records and may commence verification at any time prior to the canvass of the election. *The county election office shall attempt to contact each person who submits a mail ballot if there is no signature or the signature does not match with the signature on file and allow such elector the opportunity to correct the deficiency before the commencement of the county canvass. Verification of the voter's signature shall not be required if the voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature consistent with such voter's registration form. Signature verification may occur by electronic device or human inspection.* If the county election officer determines that an elector to whom a replacement ballot has been issued under subsection (d) has voted more than once, the county election officer shall not count any ballot cast by that elector.

(f) The county election officer shall supervise the procedures for the handling and canvassing of ballots to insure the safety and confidentiality of all ballots properly cast.

(g) The names of voters whose mail ballot envelopes are returned to the county election officer as "undeliverable" shall be subject to removal from the voter registration book and party affiliation list in the manner provided in ~~subsection (d)~~ of K.S.A. 25-2316c(d), and amendments thereto.

Sec. 25. K.S.A. 25-604 is hereby amended to read as follows: 25-604. (a) ~~Except as otherwise provided in subsection (b),~~ The county election officers shall have charge of the printing of the ballots for all elections, primary, special and general.

~~(b) The secretary of state may provide for the printing of all or any portion of the ballots for a presidential preference primary election. The secretary of state shall determine, with the advice of the director of printing, the most efficient manner in which to print ballots for a presidential preference primary election for any county in the state of Kansas.~~

~~(c) Nothing in this subsection shall apply to the printing of ballot labels for use on voting machines.~~

(c) The ballots shall be printed on paper of sufficient strength as not to be punctured by ordinary pencil marking. Ballots shall be put in the possession of the county election officer at least five days before the election, accompanied by sufficient number, not to exceed 50 for each precinct or area, of exact copies of such ballots, printed on paper of any color, except white, as authorized by rules and regulations adopted by the secretary of state, for the inspection of candidates and ~~their~~ *agents of the candidates* and for distribution through each of the party organizations. If any mistakes are discovered they shall be corrected without delay. County election officers may also obtain and distribute ballots or lists of candidates and other questions to be voted

upon on paper of any color authorized by rules and regulations adopted by the secretary of state stamped "SAMPLE BALLOT" in large letters, and these ballots, lists of candidates and other questions to be voted upon shall be used for educational purposes and the distribution shall be for such purpose. The county election officers shall cause to be delivered to the supervising judges, not less than 12 hours before the time fixed by law for the opening of the polls, a number of properly printed ballots fully sufficient to meet the demands and needs of all the voters. Such ballots shall be put in separate sealed packages of 25, 50 or 100 ballots each, with marks on the outside clearly designating the voting place for which they are intended and the number of ballots enclosed. The county election officer shall retain at the county election office an additional supply of ballots to meet any emergency need for such ballots that might arise from loss or destruction of ballots, enlarged vote or any other legitimate cause. The county election officer may make a charge for all sample ballots, lists and materials distributed in an amount not to exceed the actual cost of the materials, printing and the distribution thereof.

Sec. 26. K.S.A. 25-901 is hereby amended to read as follows: 25-901. (a) Every committee, club, organization, municipality or association designed to promote or engaged in promoting the success or defeat of any party or the election or defeat of any candidate or candidates for any city of the second and third class, unified school district, except unified school districts having 35,000 or more ~~pupils~~ *students* regularly enrolled in the preceding school year, any community college or township office; or the adoption or defeat of any question submitted at any city, unified school district, community college, township or county election, shall have a treasurer, and shall cause to be kept a detailed account of all moneys or property or other thing of value received by it, and of the manner in which the same shall be expended; ~~and. Such committee, club, organization, municipality or association shall file annually with the county election officer of the county in which such committee, club, organization, municipality or association has its headquarters a statement of all its receipts and expenditures, showing in detail from whom such moneys or property or other thing of value were received, to whom such moneys or property or other thing of value were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof.~~

(b) The annual statement ~~herein required~~ shall be filed on or before December 31, ~~such statement~~ and shall cover the period ending on December 1 immediately preceding. ~~The accounts of the state committee of each political party shall be audited annually by a certified public accountant and a copy of the audit filed with the secretary of state.~~

(c) This section and K.S.A. 25-905, and amendments thereto, shall not be construed to require any committee, club, organization, municipality or association ~~which~~ *that* is subject to the campaign finance act ~~(, K.S.A. 25-4101 et seq.), and amendments thereto,~~ to file reports required by this act.

Sec. 27. K.S.A. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the elections held on the Tuesday following the first Monday in November of both even-numbered and odd-numbered years, and in the case of ~~special elections~~ *an election* of any officers to fill vacancies *held on a date other than the Tuesday following the first Monday in November*, the election at which any such officer is finally elected.

(b) "Primary election" means the elections held on the first Tuesday in August of both even-numbered and odd-numbered years,

and any other preliminary election *held on a date other than the first Tuesday in August* at which part of the candidates for ~~special~~ election to any national, state, county, city, school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

(c) *"Special election" means any election that is not a general or primary election, including, but not limited to, any mail ballot election conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A special election shall not be held within 45 days of a general or primary election but may be held on the same day as a general or primary election.*

Sec. 28. K.S.A. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where ~~the~~ *such* person is a resident, or where ~~the~~ *such* person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

(1) The voter is unable or refuses to provide current and valid identification; or

(2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license

number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in both even-numbered and odd-numbered years, between April 1 of such year and the Tuesday of the week preceding such primary election.

(2) For the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the Tuesday of the week preceding such general election.

(3) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(4) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the final date for mailing of advance voting ballots shall be one week before such election.

(5) For any special election of officers, at such time as is specified by the secretary of state.

The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person ~~in the office of the county election officer~~ shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an

application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness that has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information that establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections ~~held on the Tuesday succeeding the first Monday in November of each even-numbered and odd-numbered year~~, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) (1) Any person 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 such mailing shall include on the exterior of such mailing, and on each page contained therein, except the application, a clear and conspicuous label in 14-point font or larger that includes:

- (A) The name of the individual or organization that caused such solicitation to be mailed;
- (B) if an organization, the name of the president, chief executive officer or executive director of such organization;
- (C) the address of such individual or organization; and
- (D) the following statement: "Disclosure: This is not a government

mailing. It is from a private individual or organization."

(2) The application for an advance voting ballot included in such mailing shall be the official application for advance ballot by mail provided by the secretary of state. No portion of such application shall be completed prior to mailing such application to the registered voter.

(3) An application for an advance voting ballot shall include an envelope addressed to the appropriate county election office for the mailing of such application. In no case shall the person who mails the application to the voter direct that the completed application be returned to such person.

(4) The provisions of this subsection shall not apply to:

(A) The secretary of state or any election official or county election office; or

(B) the official protection and advocacy for voting access agency for this state as designated pursuant to the federal help America vote act of 2002, public law 107-252, or any other entity required to provide information concerning elections and voting procedures by federal law.

(5) A violation of this subsection is a class C nonperson misdemeanor.

(1) (1) No person shall mail or cause to be mailed an application for an advance voting ballot, unless such person is a resident of this state or is otherwise domiciled in this state.

(2) Any individual may file a complaint in writing with the attorney general alleging a violation of this subsection. Such complaint shall include the name of the person alleged to have violated this subsection and any other information as required by the attorney general. Upon receipt of a complaint, the attorney general shall investigate and may file an action against any person found to have violated this subsection.

(3) Any person who violates the provisions of this subsection is subject to a civil penalty of \$20. Each instance in which a person mails an application for an advance voting ballot in violation of this section shall constitute a separate violation.

(m) *A county election officer shall not mail a ballot to a voter unless such voter has submitted an application for an advance voting ballot, except that a ballot may be mailed to a voter if such voter has permanent advance voting ballot status pursuant to subsection (h) or if the election is conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq., and amendments thereto.*

(n) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.

Sec. 29. K.S.A. 25-1214 is hereby amended to read as follows: 25-1214. As used in this act: (a) "Federal act" means the uniformed and overseas citizens absentee voting act (~~42 U.S.C. § 1973ff et seq.~~), 52 U.S.C. § 20301 et seq.

(b) (1) "Persons in federal services" means:

~~(A)~~ Members of the armed forces of the United States, while in the active service, and their spouses and dependents;

~~(B)~~ members of the merchant marine of the United States and their spouses and dependents; and

~~(C)~~ citizens of the United States residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

(2) Persons in federal service does not include any person who has failed to respond to a selective service call as certified by the local draft board to the county election officer or who is a deserter from any United States military service.

Sec. 30. K.S.A. 25-1903 is hereby amended to read as follows: 25-

1903. (a) A person may become a candidate for election to the office of state board member by either one of the methods provided in this section.

(1) Any person who is an elector of any board member district may petition to be a candidate for member of the state board from the board member district in which such person resides. Any such person shall file with the secretary of state a petition for the candidacy of such person signed by not less than 200 electors residing in such board member district.

(2) Any person who is an elector of any board member district may become a candidate for member of the state board from the board member district in which such candidate resides by filing in the office of the secretary of state a declaration of intent to be such a candidate and payment of a filing fee in the amount of \$25.

(b) Any such petition or declaration of ~~intent~~ *intention* filed by a candidate to run in the primary election held in accordance with K.S.A. 25-203, and amendments thereto, shall be filed no later than 12:00 noon, June 4th, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday. Any such petition or declaration of ~~intent~~ *intention* filed by an independent candidate for the office of state board member shall be filed no later than 12:00 noon on the Monday preceding the date fixed for the holding of primary elections in accordance with K.S.A. 25-203, and amendments thereto.

Sec. 31. K.S.A. 25-2005 is hereby amended to read as follows: 25-2005. (a) "School district" means all of a school district or all of its territory.

(b) ~~"Plan of change" means a specific proposal to change the voting plan or the method of election, or both, in a school district.~~

(c) ~~"Voting plan" means one of the three voting plans described in this act. "Voting plan-A" is election at large in both primary and general elections. "Voting plan-B" is voting by a district method in the primary and by election at large in the general election. "Voting plan-C" is voting by a district method in both the primary and general elections.~~

Sec. 32. K.S.A. 25-2008 is hereby amended to read as follows: 25-2008. (a) "School office" or "school officer" means members of the governing body of any school district.

(b) ~~"State board" means the state superintendent of public instruction until that office is abolished and thereafter the constitutional state board of education.~~

Sec. 33. K.S.A. 25-2018 is hereby amended to read as follows: 25-2018. (a) Notices of board member elections and question submitted elections of a school district shall be made as provided in this section.

(b) On or before June 10 of odd-numbered years, the county election officer shall publish a notice of election one time in a newspaper having general circulation in the school district. *Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall remain on the website until the day after the election.* The notice for board member elections shall state: (1) The name of the school district; (2) the date of the general election; (3) the date of the primary election if one is held; (4) the filing deadline and the place of filing; and (5) the offices or positions to be filled.

(c) All notices provided for by this section shall be given in the form prescribed by the secretary of state to the extent that any notice or part thereof is prescribed by the secretary of state. The provisions of this section shall not be construed to require the secretary of state to prescribe any particular form.

(d) On or before June 10 of each odd-numbered year, a notice of primary elections shall be published by the county election officer *one time* in a newspaper having general circulation in the school district, if a primary election is required to be held. *Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall remain on the website until the day after the election.* ~~The publication shall be made one time and~~ notice shall state: (1) The name of the school district; (2) the date of the primary election; (3) the names of the candidates and the office or position for which each is a candidate; (4) the voting place or places and the area each voting place is to serve; and (5) the times of opening and closing of the polls. Description of areas shall be in the terms determined by the county election officer.

(e) On or before September 1 of each odd-numbered year, a notice of the general election shall be published by the county election officer one time in a newspaper having general circulation in the school district. *Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall be published not less than 21 days prior to the election and shall remain on the website until the day after the election.* The notice shall state: (1) The name of the school district; (2) the date of the general election; (3) the names of the candidates and the office or position for which each is a candidate; (4) the voting place or places and the area each voting place is to serve; and (5) the time of opening and closing of polls. Description of areas shall be in such terms as may be determined by the county election officer.

(f) Notice of any question submitted election of any school district shall be made in the manner provided by K.S.A. 10-120, and amendments thereto. The notice shall state: (1) the name of the school district; (2) the date of the election; (3) the amount of bonds to be issued, if a bond election; (4) the proposition to be voted upon; (5) the hours of opening and closing of the polls; (6) the voting place or places and the area each voting place is to serve; and (7) any other information specifically required by law. Description of areas shall be in the terms determined by the county election officer.

Sec. 34. K.S.A. 25-2021 is hereby amended to read as follows: 25-2021. (a) In school districts in which a member district method of election is in effect, if there are more than three qualified candidates for any member position in any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(b) In school districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are board members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are board members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are board members to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three

candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general school elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for such elected office shall be equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot *who is a qualified elector residing in the district* for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary school election ballots.

Sec. 35. K.S.A. 25-21a02 is hereby amended to read as follows: 25-21a02. ~~(a) The secretary of state shall develop a public information program to inform the public generally of changes made as a result of moving spring elections to fall elections. Such public information program shall include, at a minimum, the explanation of which public office elections are being transferred from spring to fall elections. The program shall include the use of advertisements and public service announcements as well as posting of information on the opening pages of the official internet websites of the secretary of state and county election officers. The secretary of state and county election officers shall develop dedicated websites to provide voter education and sample ballots for elections.~~

~~(b) The county election officers in consultation with the secretary of state shall develop ways to reduce the ballot length and expedite the voting process on election days.~~

Sec. 36. K.S.A. 25-2310 is hereby amended to read as follows: 25-2310. County election officers shall ~~cause publication;~~ *publish notice of places and dates for registration and the closing thereof before each election* in a newspaper having general circulation in the county ~~of the county election officer, of a notice of places and dates for registration and the closing thereof before each election.~~ *Such notice shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall remain on the website until the day after the registration closes.* Such notice also shall give information for registration by mail. Such notice shall be given in such form and at such time or times as is specified by rules and regulations of the secretary of state.

Sec. 37. K.S.A. 25-2502 is hereby amended to read as follows: 25-2502. (a) "General election" means the elections held on the Tuesday following the first Monday in November of both even-numbered and odd-numbered years, and in the case of ~~special elections~~ *an election of any officers to fill vacancies held on a date other than the Tuesday following the first Monday in November*, the election at which any such officer is finally elected.

(b) "Primary election" means the elections held on the first Tuesday in August of both even-numbered and odd-numbered years, and any other preliminary election *held on a date other than the first Tuesday in August* at which part of the candidates for ~~special~~ election to any national, state, county, township, city, school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

(c) *"Special election" means any election that is not a general or primary election, including, but not limited to, any mail ballot election*

conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A special election shall not be held within 45 days of a general or primary election but may be held on the same day as a general or primary election.

Sec. 38. K.S.A. 25-2507 is hereby amended to read as follows: 25-2507. (a) "Poll book" means a book in which each voter may sign the voter's signature and a number is assigned by one of the clerks of the election board when the voter is given a ballot or set of ballots. If the county election officer determines that voters shall sign the poll book, such book shall also contain on each page the declaration prescribed by subsection (d).

(b) "Registration book" means:

(1) A book or list containing the names and other information relating to registered voters. Registration books shall have the names entered therein before the same or copies thereof are delivered to the supervising judges. Registration books may also contain blank lines on which each voter shall sign the voter's signature. If the county election officer determines that voters shall sign the registration book, such book shall also contain on each page the declaration prescribed by subsection (d); or

(2) a book meeting the requirements of ~~K.S.A. 25-2507(b)(1), and amendments thereto; paragraph (1), and~~ containing:

(A) Blank lines on which each voter shall sign the voter's signature; ~~containing on each page~~

(B) the declaration prescribed by subsection (d) *on each page of the book; and containing*

(C) the numbers assigned by one of the clerks of the election board when voters are given ballots or sets of ballots.

(c) "Party affiliation lists" means a list containing the names of all registered voters of a county who have lawfully designated a party affiliation.

(d) "Declaration" means the following: "I, the undersigned, declare under penalty of perjury that I am a registered voter in the state of Kansas, county of _____, that I have not signed a name other than my own in order to represent myself as any other registered voter, and that I am qualified to vote and have not previously voted and will not vote again in the election held on this date, in this or any other jurisdiction in the United States, for any offices or ballot issues."

(e) "*Abstract*" means a list of election results for a particular precinct or district with the total votes for each candidate for elected office or the total votes for and against any constitutional amendment or question presented on the ballot.

Sec. 39. K.S.A. 25-26a03 is hereby amended to read as follows: 25-26a03. (a) Notwithstanding any other law or provisions to the contrary, no election precinct shall be created, divided, abolished or consolidated or the boundaries thereof changed:

(1) During the period four months prior to each primary election and the succeeding general election; or

(2) between January 1 of a year the last digit of which is ~~8 and~~ ~~December 1 of a year the last digit of which is 0, and from and after January 1, 1993, between January 1 of a year the last digit of which is 7~~ 0 and the time when the legislature has been redistricted in a year the last digit of which is 2, except in the following cases:

~~(a)~~ (1)(A) If required by the creation of a political subdivision, new precincts may be created.

~~(2)~~ (B) If there is an alteration of a political subdivision by annexation, new precincts may be created.

~~(3)~~ (C) If a political subdivision annexes an area adjacent to the political subdivision boundary, the annexed area may be included in a

precinct immediately adjacent to it, if the annexed area is in the same legislative district.

~~(4)(D)~~ A municipality or county election officer may establish new election precincts lying entirely within the boundaries of any existing precinct and shall designate the new precincts by name or number, or a combination of name and number, ~~which shall include~~ *including* the designated name or number of the former precinct.

~~(5)(E)~~ If required to conform and coincide with a federal census block boundary established by the federal bureau of the census, a county election officer may change precinct boundaries.

(b) When necessary to comply with the provisions of this act, not less than 45 days after the legislature has been redistricted, or by June 1 in a year the last digit of which is 2-~~(, whichever occurs first)~~, precinct boundaries shall be reestablished.

Sec. 40. K.S.A. 25-2702 is hereby amended to read as follows: 25-2702. The county election officer may establish more than one precinct in any township or divide any township into precincts. Such division shall be made by a declaration made at least ~~ninety~~ (90) days before any county or state primary or general election, ~~and~~. Notice of such division, showing the boundaries of each precinct, shall be published once each week for three-~~(3)~~ consecutive weeks in a newspaper of general circulation in the county in which such township is located. *Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted.* A division once made shall remain the same until changed by subsequent declaration and publication notice as herein required. Upon making such division into precincts, the county election officer shall designate the boundaries of each precinct. A voter shall not be eligible to vote at any national, state, county or township election in any voting area other than the one in which ~~he or she~~ *such voter* resides.

Sec. 41. K.S.A. 25-2704 is hereby amended to read as follows: 25-2704. (a) The county election officer shall provide ballot boxes for each voting place. The secretary of state may adopt rules and regulations authorizing, in certain cases, additional or fewer ballot boxes than specified in subsection (b) ~~of this section~~ to be supplied.

(b) Unless otherwise provided by rules and regulations adopted ~~under this section~~ by the secretary of state, a separate ballot box shall be provided for each of the types of ballots named in the following list, if such ballots are to be voted at the election:

- (1) A box for "national and state ballots";
- (2) a box for "county and township ballots";
- (3) a box for "judicial ballots";
- (4) a box for "city ballots";
- (5) a box for "school ballots";
- (6) a box for "ballots for constitutional amendments"; *and*
- (7) a box for "questions submitted."

(c) Each ballot box shall be labeled according to its appropriate designation as set out in ~~quotation marks in~~ subsection (b) ~~of this section~~.

(d) *The provisions of this section shall only apply to elections conducted in counties that do not use tabulators or optical scanners to count votes.*

Sec. 42. K.S.A. 25-2705 is hereby amended to read as follows: 25-2705. (a) At the time ~~that the~~ a voting place is opened, the supervising judge shall cause the ballot boxes to be opened in the presence of people there assembled. The ballot boxes shall be turned upside down so as to empty ~~them~~ *such boxes* of everything therein, ~~and the same~~. *Each ballot box* shall then be locked securely and shall not be opened

again until opened for the purpose of canvassing.

(b) *The provisions of this section shall only apply to elections conducted in counties that do not use tabulators or optical scanners to count votes.*

Sec. 43. K.S.A. 25-2706 is hereby amended to read as follows: 25-2706. (a) The county election officer shall prepare and furnish copies of all registrations and all books, maps, instructions and blanks needed for the use and guidance of election boards and voters. County election officers may adopt such rules and regulations for elections as may be needed and not in conflict with state law or rules and regulations. Such rules and regulations shall be submitted to the secretary of state for approval.

(b) The county election officer shall furnish printed instructions to election boards; defining ~~their~~ *duties of such officers* and the law governing elections.

(c) (1) The county election officer shall furnish *and publish on the website of the county election office*:

- (A) Printed instructions to voters;
- (B) a list of voters' rights and responsibilities;
- (C) a sample ballot;
- (D) notification of the date of the election; and
- (E) the polling place hours.

(2) Each of the items in paragraph (1) shall be posted in every voting place at every election.

(3) Wherever the secretary of state deems it advisable, all items listed in ~~subsection (c)~~ *paragraph (1)* shall be printed in English and in a language or languages other than English.

(d) The secretary of state shall specify the form and contents of instructions to voters, list of voters' rights and responsibilities and instructions to election boards. Such specifications shall be transmitted to county election officers and may be changed from time to time by the secretary of state.

Sec. 44. K.S.A. 25-2805 is hereby amended to read as follows: 25-2805. If any judges or clerks shall fail or refuse to appear and serve at the proper time and place, or for any cause are or become disqualified, then the electors present shall promptly notify the county election officer thereof. The county election officer shall appoint such person as ~~he~~ *such officer* may select to fill any such vacancy. ~~If such a vacancy continues for more than one hour after notice to the county election officer, the electors present may select from their number, viva voce, judges and clerks to fill such vacancies.~~

Sec. 45. K.S.A. 25-2812 is hereby amended to read as follows: 25-2812. ~~From and after January 1, 2010:~~ (a) Not less than 60 days before any election, the county election officer may contact the administrator or operator at each nursing facility, assisted living facility and ~~hospital based~~ *hospital-based* long-term care unit to request that the registered voters in ~~the~~ *such* facility be offered the opportunity to vote in such election according to the procedures outlined in this section. If the administrator or operator of the facility agrees, the county election officer and the administrator or operator shall establish a date, mutually agreed upon, for such voting to take place. The provisions of this section shall not apply to mail ballot elections conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto.

(b) The county election officer shall appoint a special election board of two or more members to administer ballots to registered voters who are residents of any facility designated in subsection (a) and ~~which~~ *that* has agreed to participate. The members of such special election board shall be appointed and trained by the county election officer in the same manner as members of election boards serving in polling

places on election day. The members of a special election board shall possess the qualifications of registered voters in Kansas and in the county where ~~they~~ *such members* serve and shall subscribe the oath prescribed by law. The members of the board shall not all be affiliated with the same political party, to the extent practicable, and shall not be candidates for any offices, other than the offices of precinct committeemen or precinct committeewomen, to be elected in the election at which ~~they~~ *such members* serve.

(c) The special election board shall, to the extent practicable, follow advance voting procedures as provided for ~~in Kansas~~ *by law*. All persons who are registered voters of the county and who are current residents of the facility may request a ballot from the special election board. In the case of a voter who has applied for and received permanent advance voting status pursuant to ~~subsection (g) of~~ K.S.A. 25-1122(h), and amendments thereto, the special election board may deliver such voter's ballot to the voter instead of mailing the ballot as required by K.S.A. 25-1123, and amendments thereto. Any voter may receive assistance from a member of the special board or from a person of such voter's choice. Any person rendering assistance to a voter shall sign a written statement as provided for in ~~subsection (d) of~~ K.S.A. 25-1124(e), and amendments thereto, and shall file such statement with the special board or with the county election officer.

(d) The special election board shall ensure that the privacy of each voter is preserved and shall cause each voter's ballot to be sealed in an envelope or deposited in a locked ballot box. In cases where ~~direct recording~~ *electronic or electromechanical* voting systems are used, the special election board shall ensure that the voting equipment is secured from tampering and unauthorized access. At the conclusion of the voting process at a facility, the ballots, *voting equipment*, voting records and materials shall be returned to the county election officer. All the members of the special election board shall certify the receipt and return of the ballots, voting equipment, voting records and materials.

(e) The county election officer shall ensure that the ballots received from any such special election board shall be tabulated according to procedures established by law for the tabulation of advance voting ballots and shall ensure that the tabulated returns are included with other official election returns and presented to the county board of canvassers for the canvass as provided by law. Any ballot cast by a voter pursuant to this section may be challenged in the same manner as other ballots are challenged.

(f) The county election officer shall ensure that mobile voting sites established under this act are clearly posted as such during the hours voting is allowed.

(g) (1) For the purposes of this section, the term:

(A) "Assisted living facility" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 39-923, and amendments thereto.

(B) "~~Hospital-based~~ *Hospital-based* long-term care unit" means a unit that provides physician services and continuous nursing supervision for patients who:

(i) Are not in an acute phase of illness; and

(ii) currently require nursing care that is primarily of a convalescent, restorative or long-term nature. Long-term care unit also includes medicare-certified, distinct-part long-term care units.

(C) "Nursing facility" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 39-923, and amendments thereto.

Sec. 46. K.S.A. 25-2905 is hereby amended to read as follows: 25-2905. (a) If not already folded, the election board shall fold each ballot before handing the same to a voter. If more than one ballot is to be handed to a voter, the ballots in the set shall be folded separately.

Ballots shall be folded so that the names of candidates are concealed and the printed endorsement and ballot number are on the outside of the folded ballot. Before leaving the voting booth, the voter shall refold each of ~~his~~ *such voter's* ballots separately in the manner ~~he~~ received ~~it~~ and so that the names of candidates and marks on the ballot are concealed. Upon leaving the booth, the voter shall deliver ~~his~~ *the* ballot or set of ballots to one of the judges, who shall ~~forthwith,~~ *promptly* and in the presence of the voter and of the election board, properly clip the number therefrom and deposit the ballots in their respective ballot boxes.

(b) The provisions of this section shall only apply to elections conducted in counties that do not use tabulators or optical scanners to count votes.

Sec. 47. K.S.A. 25-3005 is hereby amended to read as follows: 25-3005. At all elections authorized poll agents shall be allowed to be present and observe the proceedings at all original, intermediate and final canvasses of elections, *at all recounts authorized by K.S.A. 25-3107, and amendments thereto, at all audits conducted after an election pursuant to K.S.A. 25-3009, and amendments thereto,* and at the time and place of casting ballots, subject to such limitations as are prescribed by law or rules and regulations ~~of adopted by~~ the secretary of state. The supervising judge of each voting place shall be in charge thereof and may direct authorized poll agents as to their conduct ~~within the voting place,~~ but such directions shall not favor agents of one kind or party over agents of another kind or party, and such directions shall not be contrary to law, rules and regulations ~~of adopted by~~ the secretary of state; or instructions of the county election officer.

Sec. 48. K.S.A. 2022 Supp. 25-3009 is hereby amended to read as follows: 25-3009. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer shall determine the members of the sworn election board who will conduct the audit.

(2) The audit shall review contested races as follows:

(A) In presidential election years:

- (i) One federal race;
- (ii) one state legislative race; ~~and~~
- (iii) one county race; *and*
- (iv) *one constitutional amendment question, if any.*

(B) In even-numbered, non-presidential election years:

- (i) One federal race;
- (ii) one statewide race;
- (iii) one state legislative race; ~~and~~
- (iv) one county race; *and*
- (v) *one constitutional amendment question, if any.*

(C) In even-numbered election years, any federal, statewide or state legislative race that is within 1% of the total number of votes cast tallied on election night, as determined by the secretary of state, shall be audited. The county election officer shall conduct the audit in the manner set forth in subsection (a) in 10% of all county precincts in the specified race, with a minimum of one precinct in the county. The

precincts audited pursuant to this subsection shall be in addition to the precincts audited under ~~subsections~~ *subparagraphs* (2)(A) and (B).

(D) In odd-numbered election years, two local races will be randomly selected, and the selection shall take place after the election.

(c) At least five days prior to the audit, notice of the time and location of the audit shall be provided to the public on the official county website. The audit shall be conducted in a public setting. Any candidate or entity who is authorized to appoint a poll agent may appoint a poll agent for the audit.

(d) The results of the audit shall be compared to the unofficial election night returns and a report shall be submitted to the county election office and to the secretary of state's office prior to the meeting of the county board of canvassers. If a discrepancy is reported between the audit and the unofficial returns and cannot be resolved, the county election officer or the secretary of state may require audits of additional precincts. Once the audit has been completed, the results of the audit shall be used by the county board of canvassers when certifying the official election results.

(e) Upon publication of the notice of the audit pursuant to subsection (c), the signed and certified official abstracts required by K.S.A. 25-3006, and amendments thereto, shall be made available by the county election office for review by any authorized poll agent. Such abstracts shall be from all precincts and shall not be limited to those precincts that are subject to the audit. The abstracts shall be available for review until commencement of the original canvass.

(f) The secretary of state shall adopt rules and regulations governing the conduct and procedure of the audit, including the random selection of the precincts and offices involved in the audit.

Sec. 49. K.S.A. 25-3104 is hereby amended to read as follows: 25-3104. The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between 8 a.m. and 10 a.m. on the Monday next following any election held on a Tuesday, except that the county election officer may move the canvass to any business day not later than 13 days following any election. Notice of the time and place of the canvass shall be published in a newspaper of general circulation in the county prior to the canvass *and shall also be published on the website of the county election office*. For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the 13th day following the day of such election.

Sec. 50. K.S.A. 25-3107 is hereby amended to read as follows: 25-3107. (a) At the time of commencement of any canvass by the county board of canvassers the county election officer shall present to the county board of canvassers the preliminary abstracts of election returns, together with the ballots and records returned by the election boards and, as provided by rules and regulations adopted by the secretary of state as authorized by K.S.A. 25-1132(b), and amendments thereto, advance voting ballots received after the closing of the polls pursuant to K.S.A. 25-1132(b), and amendments thereto. The county board of canvassers shall inspect and check the records presented by the county election officer and shall hear any questions which the county election officer believes appropriate for determination of the board. The county board of canvassers shall do what is necessary to obtain an accurate and just canvass of the election and shall finalize the preliminary abstract of election returns by making any needed changes, and certifying its authenticity and accuracy. The certification of the county board of

canvassers shall be attested by the county election officer. Neither the county board of canvassers nor the county election officer shall open or unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other specific provision of law or as is authorized to carry out a recount under subsection (b), or as authorized under subsection (e).

(b) If a majority of the members of the county board of canvassers shall determine that there are manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election, or if any candidate shall request the recount of the ballots cast in all or in only specified voting areas for the office for which the person is a candidate, or if any registered elector who cast a ballot in a question submitted election requests a recount in all or only specified voting areas to determine the result of the election, the county board of canvassers shall cause a special election board appointed by the county election officer to meet under the supervision of the county election officer and recount the ballots with respect to any office or question submitted specified by the county board of canvassers or requested by the candidate or elector. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601 et seq., and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting the recount. The county election officer shall not be a member of the special election board. Before the special election board meets to recount the ballots upon a properly filed request, the party who makes the request shall file with the county election officer a bond, with security to be approved by the county or district attorney, conditioned to pay all costs incurred by the county in making the recount. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, or if as a result of the recount a question submitted is overturned, no action shall be taken on the person's bond and the county shall bear the costs incurred for the recount. Any recount must be requested in writing and filed with the county election officer not later than 5 p.m. on the day following the *last* meeting of the county board of canvassers. The request shall specify which voting areas are to be recounted. The county election officer shall immediately notify any candidate involved in the election for which the recount is requested, or shall notify the county chairperson of each candidate's party. Any ~~the~~ recount shall be initiated not later than the following day and shall be completed not later than 5 p.m. on the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays. Upon completion of any recount under this subsection, the election board shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811, and amendments thereto, for time actually spent making the recount.

(c) (1) The provisions of this subsection shall apply to ~~candidates~~ ~~at~~ any election for:

- (A) Any state or national office elected on a statewide basis;
 - (B) the office of president or vice president of the United States;
 - (C) the office of members of *the* United States house of representatives;
 - (D) *the* office of members of *the* state senate or house of representatives whose district is located in two or more counties; ~~and~~
 - (E) *the* office of members of *the* state board of education; *and*
 - (F) *a constitutional amendment.*
- (2) Any candidate may request a recount in one or more counties.

Any registered elector who cast a ballot in an election for a constitutional amendment submitted may request a recount in one or more counties. Any such recount ~~must~~ shall be requested in writing and filed with the secretary of state not later than 5 p.m. on the ~~second Friday following the election~~ day following the last meeting of the county board of canvassers canvassing votes in the election for which the recount is requested. The request shall specify which counties or precincts are to be recounted. If a recount is required in a county that uses optical scanning ~~systems~~ equipment, as defined in K.S.A. 25-4601, and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting the recount. Except as provided by this subsection and subsection (d), the person requesting the recount shall file, contemporaneously with a request for a recount, a bond with the secretary of state ~~a bond~~, with security to be approved by the secretary of state, conditioned to pay all costs incurred by the counties and the secretary of state in making the recount. The amount of the bond shall be determined by the secretary of state. A candidate described in subsection (c)(1)(D) and (E) may post a bond as provided by subsection (b) in lieu of the bond required by this subsection. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, no action shall be taken on the candidate's bond and the counties shall bear the costs incurred for the recount.

(3) The secretary of state immediately shall notify each county election officer affected by the recount and any candidate involved in the election for which the recount is requested. If the candidate cannot be reached, then the secretary of state shall notify the state chairperson of such candidate's party. Any such recount shall be conducted under the supervision of the county election officers at the direction of the secretary of state, and shall be initiated not later than the following day and shall be completed not later than 5 p.m. on the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays. Each county election officer involved in the recount shall appoint a special election board to recount the ballots. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811, and amendments thereto, for time actually spent making the recount. Upon completion of any recount under this subsection, the special election board in each county shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The county election officer in each county immediately shall certify the results of the recount to the secretary of state.

(d) (1) The provisions of this subsection shall apply to ~~candidates~~ at any general elections for:

- (A) Any state or national office elected on a statewide basis;
- (B) the office of president or vice president of the United States;
- (C) the office of members of *the* United States house of representatives;
- (D) *the* office of members of state senate or house of representatives; and
- (E) *the* office of members of *the* state board of education.

(2) Whenever the election returns reflect that a candidate for office was defeated by ½ of 1% or less of the total number of votes cast and if the candidate requests a recount in one or more counties ~~of the ballots~~, *no bond shall be required and the state shall bear the cost of any recount performed using the method by which the ballots were counted originally.*

(3) Not later than 60 days following a recount conducted pursuant to this subsection, the board of county commissioners of each county in which the recount occurred shall certify to the secretary of state the amount of all necessary direct expenses incurred by the county. Payment for such expenses shall be made to the county treasurer of the county upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of state. Upon receipt of such payment and reimbursements, the county treasurer shall deposit the entire amount thereof in the county election fund, if there is one and if there is not then to the county general fund.

(4) The secretary of state, with the advice of the director of accounts and reports, shall determine the correctness of each amount certified under this section and adjust any discrepancies discovered before approving vouchers for payment to any county.

(e) Procedures for canvassing and challenging advance voting ballots received by mail after the closing of the polls pursuant to K.S.A. 25-1132(b), and amendments thereto, shall be as set forth in rules and regulations adopted by the secretary of state as authorized by K.S.A. 25-1132(b), and amendments thereto.

Sec. 51. K.S.A. 25-3201 is hereby amended to read as follows: 25-3201. The governor, secretary of state and attorney general, *or such officers' designee*, shall constitute the state board of canvassers. Any two of such members may act for such board.

Sec. 52. K.S.A. 25-3301 is hereby amended to read as follows: 25-3301. (a) Each registered voter of this state who has declared a party affiliation as provided in this section or in K.S.A. 25-3304, and amendments thereto, shall be entitled to vote at every partisan primary election. *Each political party entitled to nominate candidates by primary election shall notify the secretary of state in writing on or before January 15 of any year in which a partisan general election is to be held whether voters who are unaffiliated with such political party may vote in such party's primary election.*

(b) The county election officer shall prepare for each voting place at each partisan primary election a party affiliation list, duly certified by such officer, ~~which~~ *that* clearly indicates the party affiliation of each registered voter in the voting area who has declared a party affiliation. The registration book prepared for a voting place pursuant to K.S.A. 25-2318, and amendments thereto, may be used as such list, but no registration book prepared for use at a voting place in an election other than a partisan primary election or an election held at the same time as a partisan primary election shall indicate in any manner the party affiliation of any voter. Such list shall be delivered by the supervising judge to the voting place before the opening of the polls.

(c) The party affiliation list provided for by subsection (b) shall be used to determine the party affiliation of a voter offering to vote at a partisan primary election and of a voter applying for an advance voting ballot pursuant to K.S.A. 25-1122, and amendments thereto. If a voter's party affiliation is not indicated on the party affiliation list, such voter shall state the voter's party affiliation in writing on a form prescribed by the secretary of state. A judge at the precinct polling place, or the county election officer or such officer's designee, shall give such voter a primary ballot of the voter's party affiliation, and such person thereupon shall be entitled to vote. Such a statement of party affiliation shall constitute a declaration of party affiliation, and all such signed statements shall be returned to the county election officer, who shall cause them to be recorded on the party affiliation list.

(d) Party affiliation statements shall be preserved for five years. The county election officer may dispose of the statements in the manner approved for destruction of ballots as provided in K.S.A. 25-

2708, and amendments thereto.

(e) The county election officer shall update party affiliation lists as provided by rules and regulations of the secretary of state.

Sec. 53. K.S.A. 25-3303 is hereby amended to read as follows: 25-3303. Whenever a name is ~~purged~~ removed from the voter registration books as provided by K.S.A. 25-2316c, *and amendments thereto*, such name shall also be ~~purged or~~ removed from the party affiliation list.

Sec. 54. K.S.A. 25-3304 is hereby amended to read as follows: 25-3304. (a) Any person who has declared such person's party or voter affiliation in the manner provided by law shall be listed on a voter affiliation list as a member of a registered political organization, or on a party affiliation list if a member of a recognized political party, unless the person's name is ~~purged or removed therefrom~~ as provided by K.S.A. 25-3303, and amendments thereto, or unless the person changes party or voter affiliation as provided in this section.

(b) Any person, who, having declared a party or voter affiliation, desires to change the same, may file a written declaration with the county election officer, stating the change of party or voter affiliation. Such declaration cannot be filed during the time from the candidate filing deadline, as prescribed in K.S.A. 25-205, 25-305 and 25-4004, and amendments thereto, through the time when the primary election results are certified by the secretary of state. The county election officer shall enter a record of such change on the party or voter affiliation list of such preceding primary election in the proper column opposite the voter's name.

Sec. 55. K.S.A. 25-3801 is hereby amended to read as follows: 25-3801. (a) At each primary election, the members of the party residing in each precinct in each county of the state shall elect a man ~~of their number~~ *from such members* as precinct committeeman and a woman ~~of their number~~ *from such members* as precinct committeewoman. No person shall be eligible *to file a declaration of intention to be a candidate for*, to be a candidate for or hold the office of precinct committeeman or precinct committeewoman of a party in any precinct unless ~~such the~~ person actually lives, resides and occupies a place of abode in such precinct, ~~and is in all other respects~~ a qualified elector and is ~~shown as~~ a member of such party on the party affiliation list, *maintained* in the office of the county election officer. *Each precinct committeeman and committeewoman shall assume the duties of precinct committeeman and committeewoman on the day after the primary election and shall not be required to take an oath under K.S.A. 54-106, and amendments thereto.*

(b) Except as provided in subsection ~~(b)~~ (c), any vacancy occurring in the office of precinct committeeman or committeewoman shall be ~~promptly~~ filled by appointment by the county chairperson, ~~except that for any vacancy which that~~ occurs because the party had no candidate at ~~such the~~ primary election shall not be filled until the county central committee has elected or reelected its chairperson. Not later than three days after appointment of precinct committeemen and committeewomen, the county chairperson making the appointments shall notify the county election officer of such appointments *and include the name, address, email address, if available, and a phone number or phone numbers, including a mobile phone number, if available, of each appointee in such notification.* The county election officer shall make such appointments public immediately upon receipt thereof. ~~As used in this act, "primary election" means the statewide election held in August of even-numbered years.~~

~~(b)(c)~~ (1) When a convention is to be held under article 39 of chapter 25 of Kansas Statutes Annotated, *and amendments thereto*, to fill a vacancy, no appointments shall be made under subsection (a):

(1)(A) After the county chairperson has received notice from the county election officer of a vacancy or a pending vacancy in a county elected office; or

(2)(B) after the county chairperson in each county, all or a part of which, is located within a legislative district has received notice from the secretary of state of a vacancy or a pending vacancy in a legislative office.

(2) After the vacancy has been filled by a person elected at a convention held under article 39 of chapter 25 of the Kansas Statutes Annotated, *and amendments thereto*, any vacancy in the office of precinct committeeman or committeewoman shall be filled as provided by subsection (a).

(d) *If a precinct committeeman or committeewoman is elected as a write-in candidate, the county clerk shall request from the appropriate county chairperson the name, address, email address, if available, and a phone number or phone numbers, including a mobile phone number, if available, of such elected precinct committeeman or committeewoman.*

(e) *Each precinct committeeman and committeewoman shall report any changes in such person's name, address, email address and phone numbers to the county election officer not later than 10 days after such change.*

(f) *The county election officer shall send to the secretary of state within seven days after each primary election in even-numbered years a list of who holds the office of precinct committeeman or committeewoman along with the name, address, phone number and email address, if available, of each such person. The county officer shall report all updates of such information at the time such updates are received to the secretary of state. The secretary of state shall keep an updated list of all precinct committeepersons, including their names, addresses, phone numbers and their email addresses, if available.*

(g) *As used in this section, "primary election" means the election held on the first Tuesday in August of even-numbered years.*

Sec. 56. K.S.A. 25-4004 is hereby amended to read as follows: 25-4004. The provisions of K.S.A. 25-205, and amendments thereto, shall not apply to the offices of governor and lieutenant governor. The names of candidates for governor and lieutenant governor shall be printed upon the official primary ballot when each pair thereof shall have qualified to become candidates in one or the other of the following methods ~~and none other: First, they shall have had filed in~~

(a) *Nomination petitions shall be filed on their behalf, not later than 12 noon, June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a legal holiday, then before 12 noon the following business day, ~~nomination papers, commonly called nomination petitions, as provided for in K.S.A. 25-4005, and amendments thereto; or, second, they~~*

(b) *such persons shall have filed not later than the time for filing nomination ~~papers~~ petitions, as ~~above~~ provided in paragraph (a), with the secretary of state, ~~as hereinafter prescribed~~, a declaration of intention to become candidates; accompanied by a fee as provided in K.S.A. 25-4006, and amendments thereto.*

Sec. 57. K.S.A. 25-4005 is hereby amended to read as follows: 25-4005. (a) *The nomination ~~papers~~ or petitions as ~~mentioned~~ described in K.S.A. 25-4004, and amendments thereto, shall be in substantially the following form:*

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter and a member of the _____ party, hereby nominate

(Here insert name and city)
and state of Kansas as a candidate for the office of governor, and
running with such candidate

(Here insert name and city)
and state of Kansas as a candidate for the office of lieutenant
governor to be voted for at the primary to be held on the first Tuesday
in August in _____, as representing the principles of such party;
and I further declare that I intend to support the candidates herein
named and that I have not signed and will not sign any *nomination*
~~petition or nomination paper~~ for any other persons, for such offices at
the next ensuing election.

(HEADING)

Name of Signers	Street Number or RR (as Registered)	Name of City	Date of Signing
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All nomination ~~papers~~ *petitions* shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(b) Each signer of a nomination ~~paper~~ *petition* shall sign ~~but only one such paper petition~~ for governor and lieutenant governor, and shall declare that such signer intends to support the candidates ~~therein~~ named, ~~and shall add to the signer's signature in such petition.~~ The signer's residence, ~~if in a city, by including the street and number, if any; or, otherwise by, or such address as otherwise shown on such signer's registration shall be included with such signer's signature.~~ No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address ~~they such marks~~ shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(c) (1) All signers of each separate nomination ~~paper~~ *petition* shall reside in the same county. The affidavit of a petition circulator, as defined in K.S.A. 25-3608, and amendments thereto, shall be appended to each such nomination ~~paper~~ *petition*, stating that to the best of such petition circulator's knowledge and belief;

(A) All the signers thereof are qualified electors of that county; ~~that the petition circulator knows that they~~

(B) *such signers* signed the ~~same~~ *petition* with full knowledge of the contents thereof; ~~that their~~

(C) *such signers'* respective residences are correctly stated therein; ~~that~~

(D) each signer signed the ~~same~~ *petition* on the date stated opposite such signer's name; ~~and that~~

(E) the affiant intends to support the candidates therein named.

(2) Such affidavit shall be prima facie evidence of the facts ~~therein~~ stated in *such affidavit*.

(d) Such nomination ~~papers~~ *petition* shall be signed by not less than 1% of the total vote of the party designated in the state. The basis of the percentage shall be the vote of the party for secretary of state at the last preceding general election of secretary of state; or, in case of a new party, the basis of a percentage shall be the vote cast for the successful candidate for secretary of state at the last preceding general election of secretary of state.

Sec. 58. K.S.A. 25-4148d is hereby amended to read as follows: 25-4148d. (a) Every treasurer for a party committee or political committee shall file reports of contributions as prescribed by this act.

Reports shall be filed with the secretary of state. Reports required by this section shall be in addition to any other reports required by law.

(b) (1) The report shall contain the name and address of each person who makes a contribution to the party committee or political committee in an aggregate amount or value in excess of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of the election. Such report shall contain the amount and date of each such contribution. The report shall be made on or before the close of business on the Thursday preceding the date of the election.

(2) In addition, a separate report shall be made on a daily basis for the Thursday, Friday, Saturday and Sunday immediately preceding the election. Each daily report shall contain the information required in paragraph (1) ~~of this section~~. Each report shall be filed by 5:00 p.m. on the next day respectively.

(c) Reports required by this section shall be filed *with the secretary of state during regular business hours* by hand delivery; or express delivery service; ~~facsimile transmission~~ or *at any time* by any electronic method authorized by the secretary of state.

(d) (1) "Contribution" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 25-4143, and amendments thereto.

(2) "Party committee" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 25-4143, and amendments thereto.

(3) "Political committee" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 25-4143, and amendments thereto.

(e) The provisions of this section shall be *a part of and supplemental to the campaign finance act*.

Sec. 59. K.S.A. 25-4322 is hereby amended to read as follows: 25-4322. (a) Before any petition for recall of a local officer is circulated, a copy thereof accompanied by names and addresses of the recall committee and sponsors shall be filed in the office of the county election officer with whom the petitions are required to be filed. The copy of the petition so filed shall be subscribed by the members of the recall committee in the presence of such county election officer. The recall committee shall represent all sponsors and subscribers in matters relating to the recall. Notice on all matters pertaining to the recall may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the petition so filed. The county election officer, upon request, shall notify the recall committee of the official number of votes cast for all candidates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled.

(b) Before any petition for recall of a local officer is circulated, the county election officer shall transmit a copy of such petition to the county or district attorney or to the attorney designated pursuant to subsection (c) for determination of the sufficiency of the grounds stated in the petition for recall. Within five *business* days of receipt of the copy of the petition from the county election officer, the county or district attorney or the attorney designated pursuant to subsection (c) shall make such determination and notify the county election officer, the officer sought to be recalled and the recall committee of such determination. Such determination shall include whether:

(1) The facts do not support the grounds for recall as stated in the petition for recall;

(2) the petition is not substantially in the required form;

(3) the petition was filed during the first 120 days of the term of

office of the official sought to be recalled or within less than 180 days of the termination of the term of office of the officer sought to be recalled;

- (4) the person named in the petition is not a local officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the local officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
- (7) the application does not conform to any other requirement of this act.

(c) In the case of a recall of the county or district attorney, a judge of the district court of such county shall designate an attorney to determine the sufficiency of the grounds stated in the petition for recall. Such attorney shall perform the duties imposed on the county or district attorney in the recall of other local officers.

(d) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced within 30 days after the county or district attorney's decision.

Sec. 60. K.S.A. 2022 Supp. 25-4414 is hereby amended to read as follows: 25-4414. (a) Electronic or electromechanical voting system or electronic poll book fraud is:

~~(a)~~(1) Being in unlawful or unauthorized possession of electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware, software or ballots;

(2) *accessing without authorization or facilitating the unauthorized access to electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware, software or ballots;*

(3) *knowingly publishing or causing to be published any password or other confidential information relating to electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware or software;* or

~~(b)~~(4) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any electronic or electromechanical voting system, electronic poll book or component part thereof, or any ballot used by such electronic or electromechanical voting systems.

(b) Electronic or electromechanical voting system or electronic poll book fraud is a severity level 9, nonperson felony.

Sec. 61. K.S.A. 25-4612 is hereby amended to read as follows: 25-4612. (a) Optical scanning equipment fraud is:

~~(a)~~(1) Being in unlawful or unauthorized possession of ballots, optical scanning equipment, computer programs, operating systems, firmware or software;

(2) *accessing without authorization or facilitating the unauthorized access to optical scanning equipment;*

(3) *knowingly publishing or causing to be published any password or other confidential information relating to optical scanning equipment;* or

~~(b)~~(4) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any optical scanning equipment or component part thereof, or any ballot, operating system, firmware or software used by a system.

(b) Optical scanning equipment fraud is a severity level 9, nonperson felony.

Sec. 62. K.S.A. 25-4703 is hereby amended to read as follows: 25-4703. As used in this act:

(a) "Arbitrator" means a neutral third party selected by the secretary of state who resolves the dispute between the complainant and respondent, and whose decision is final.

(b) "Complainant" means the person who files a complaint with the Kansas secretary of state under this act.

(c) "Respondent" means any state or local election official whose actions are asserted to be in violation of title III in a complaint filed under this act.

(d) "Title III" means title III of the help America vote act of 2002, public law 107-252, 116 Stat. 1666 (2002), codified at ~~42 United States code §§ 15481-15485~~ 52 U.S.C. §§ 21081-21102.

Sec. 63. K.S.A. 25-4709 is hereby amended to read as follows: 25-4709. (a) *Except as provided in subsection (c)*, if requested by the complainant, the secretary of state shall conduct a hearing on the record to review the complaint. The secretary of state or other person designated by the secretary of state shall serve as the hearing officer.

(b) The hearing shall be conducted no later than 30 days after the secretary of state receives the complaint. The secretary of state shall give at least ~~5~~ five days advance notice of the date, time, and place of the hearing to the complainant and each named respondent.

(c) *After reviewing a complaint and giving all inferences to the complainant, the secretary of state, after consultation on such complaint with the attorney general, may dismiss the complaint without a hearing if the complaint fails to allege facts that assert a violation of title III.*

Sec. 64. K.S.A. 71-1415 is hereby amended to read as follows: 71-1415. (a) In college districts in which a district method of election is in effect, if there are more than three qualified candidates for any member position, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(b) In college districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are trustees to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are trustees to be elected who receive the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are trustees to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general college district elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. The purpose of such blank lines shall be to permit the

voter to insert the name of any person *who is a qualified elector residing in the district and whose name is not printed on the ballot but* for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary college district election ballots.

Sec. 65. K.S.A. 10-120, 15-809, 19-303, 19-804, 19-3419, 19-3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-213, 25-222, 25-303, 25-305, 25-305b, 25-308, 25-321, 25-432, 25-433, 25-604, 25-901, 25-1115, 25-1122, 25-1214, 25-1709, 25-1710, 25-1903, 25-2005, 25-2008, 25-2018, 25-2021, 25-21a02, 25-2310, 25-2502, 25-2507, 25-2601, 25-26a03, 25-2702, 25-2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-2903, 25-2905, 25-3002, 25-3005, 25-3104, 25-3107, 25-3201, 25-3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-4322, 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424, 25-3009 and 25-4414 are hereby repealed.

Sec. 66. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.