

## SENATE BILL No. 172

By Senator Buntен

2-7

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AN ACT concerning elections; relating to changing the date of primary elections from April to August; amending K.S.A. 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2107, 25-2108a, 25-2109, 25-2120, 25-2311, 25-2502, 25-3503 and 25-3901 and K.S.A. 2002 Supp. 25-1122 and repealing the existing sections.

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

Section 1. K.S.A. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, ~~the elections held for officers on the first Tuesday in April,~~ and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday ~~in August~~ *following the second Monday in September* of even-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April,~~ and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 2. K.S.A. 2002 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where 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) 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 *following the fourth Monday* in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days

1 prior to such election and the last business day of the week preceding  
2 such general election.

3 ~~(3) For the primary election held five weeks preceding the first Tues-~~  
4 ~~day in April, between January 1 of the year of such election and the last~~  
5 ~~business day of the week preceding such primary election.~~

6 ~~—(4) For the general election occurring on the first Tuesday in April,~~  
7 ~~between January 1 of the year of such election and the last business day~~  
8 ~~of the week preceding such general election.~~

9 ~~—(5) For question submitted elections occurring on the date of a pri-~~  
10 ~~mary or general election, the same as is provided for ballots for election~~  
11 ~~of officers at such election.~~

12 ~~(6) (4) For question submitted elections not occurring on the date of~~  
13 ~~a primary or general election, between the time of the first published~~  
14 ~~notice thereof and the last business day of the week preceding such ques-~~  
15 ~~tion submitted election, except that if the question submitted election is~~  
16 ~~held on a day other than a Tuesday, the county election officer shall~~  
17 ~~determine the final date for mailing of advance voting ballots, but such~~  
18 ~~date shall not be more than three business days before such election.~~

19 ~~(7) (5) For any special election of officers, at such time as is specified~~  
20 ~~by the secretary of state.~~

21 ~~(8) (6) For the presidential preference primary, between January 1~~  
22 ~~of the year in which such primary is held and the last business day of the~~  
23 ~~week preceding such primary election.~~

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

28 (c) Unless an earlier date is designated by the county election office,  
29 applications for advance voting ballots transmitted to the voter in person  
30 in the office of the county election officer shall be filed on the Tuesday  
31 next preceding the election and on each subsequent business day until  
32 no later than 12:00 noon on the day preceding such election. If the county  
33 election officer so provides, applications for advance voting ballots trans-  
34 mitted to the voter in person in the office of the county election officer  
35 also may be filed on the Saturday preceding the election. Upon receipt  
36 of any such properly executed application, the county election officer shall  
37 deliver to the voter such ballots and instructions as are provided for in  
38 this act.

39 An application for an advance voting ballot filed by a sick, physically  
40 disabled or illiterate voter or by a person rendering assistance to such  
41 voter may be filed during the regular advance ballot application periods  
42 until the close of the polls on election day.

43 In any county having a population exceeding 250,000, the county elec-

1 tion officer may designate places other than the central county election  
2 office as satellite advance voting sites. At any satellite advance voting site,  
3 a registered voter may obtain an application for advance voting ballots,  
4 such ballots and instructions shall be delivered to the voter in the same  
5 manner and subject to the same limitations as otherwise provided by this  
6 subsection.

7 (d) Any person having a permanent physical disability or an illness  
8 which has been diagnosed as a permanent illness is hereby authorized to  
9 make an application for permanent advance voting status. Applications  
10 for permanent advance voting status shall be in the form and contain such  
11 information as is required for application for advance voting ballots and  
12 also shall contain information which establishes the voter's right to per-  
13 manent advance voting status.

14 (e) On receipt of any application filed under the provisions of this  
15 section, the county election officer shall prepare and maintain in such  
16 officer's office a list of the names of all persons who have filed such  
17 applications, together with their correct post office address and the pre-  
18 cinct, ward, township or voting area in which such persons claim to be  
19 registered voters or to be authorized by law to vote as former precinct  
20 residents and the present resident address of each applicant. Such names  
21 and addresses shall remain so listed until the day of such election. The  
22 county election officer shall maintain a separate listing of the names and  
23 addresses of persons qualifying for permanent advance voting status. All  
24 such lists shall be available for inspection upon request in compliance  
25 with this subsection by any registered voter during regular business hours.  
26 The county election officer upon receipt of such applications shall enter  
27 upon a record kept by such officer the name and address of each appli-  
28 cant, which record shall conform to the list above required. Before in-  
29 spection of any advance voting ballot application list, the person desiring  
30 to make such inspection shall provide to the county election officer iden-  
31 tification in the form of driver's license or other reliable identification and  
32 shall sign a log book or application form maintained by such officer stating  
33 such person's name and address and showing the date and time of in-  
34 spection. All records made by the county election officer shall be subject  
35 to public inspection, except that the identifying number on ballots and  
36 ballot envelopes and records of such number shall not be made public.

37 (f) If a person on the permanent advance voting list fails to vote in  
38 two consecutive general elections held on the Tuesday succeeding the  
39 first Monday in November of each even-numbered year, the county elec-  
40 tion officer may mail a notice to such voter. Such notice shall inform the  
41 voter that the voter's name will be removed from the permanent advance  
42 voting list unless the voter renews the application for permanent advance  
43 voting status within 30 days after the notice is mailed. If the voter fails to

1 renew such application, the county election officer shall remove the  
2 voter's name from the permanent advance voting list. Failure to renew  
3 the application for permanent advance voting status shall not result in  
4 removal of the voter's name from the voter registration list.

5 Sec. 3. K.S.A. 25-2006 is hereby amended to read as follows: 25-  
6 2006. (a) "General election" means the election held for school officers  
7 on the first ~~Tuesday in April in any odd-numbered year~~ *Monday in No-*  
8 *vember of even-numbered years*, and in the case of special elections of  
9 any school officers to fill vacancies, the election at which any such officer  
10 is finally elected.

11 (b) "Primary election" means the election held ~~five weeks preceding~~  
12 ~~the election on the first Tuesday in April~~ *on the first Tuesday following*  
13 *the fourth Monday in August of even-numbered years*, and any other  
14 preliminary election at which part of the candidates for special election  
15 to any school office are eliminated by the process of the election but at  
16 which no officer is finally elected.

17 Sec. 4. K.S.A. 25-2007 is hereby amended to read as follows: 25-  
18 2007. (a) "Question submitted election" means any election at which a  
19 special question is to be voted on by the electors of the state or a part of  
20 them.

21 (b) "County election officer" means:

22 (1) The election commissioner of the home county of the school dis-  
23 trict if such county has an election commissioner,

24 (2) the county clerk of the home county of the school district if the  
25 county does not have an election commissioner,

26 (3) the county clerk (or the election commissioner if there is one) of  
27 the county in which all or the greater part of the population is located in  
28 the case of a nonunified school district. In the event that doubt exists  
29 concerning which public officer is the county election officer under this  
30 subpart, the secretary of state shall specify such officer and such speci-  
31 fication shall be conclusive.

32 (c) "Filing deadline" means the hour, date or time after which it is  
33 provided by law no person may become a candidate for election to public  
34 office; for school elections the filing deadline is 12:00 o'clock noon on the  
35 Tuesday which precedes by 10 weeks the first Tuesday in ~~April of any~~  
36 ~~odd-numbered year~~ *November of any even-numbered year*.

37 Sec. 5. K.S.A. 25-2010 is hereby amended to read as follows: 25-  
38 2010. Election of board members and question submitted elections shall  
39 be conducted by the county election officer of the home county of the  
40 school district. Board member general elections shall be held on the first  
41 ~~Tuesday in April of each odd-numbered year~~ *Monday in November of*  
42 *even-numbered years*. If a primary election is required to be held, such  
43 primary election shall be held on the ~~Tuesday preceding by five weeks~~

1 ~~the first Tuesday in April of odd-numbered~~ *first Tuesday following the*  
2 *fourth Monday of even-numbered years.*

3 Sec. 6. K.S.A. 25-2018 is hereby amended to read as follows: 25-  
4 2018. (a) Notices of board member elections and question submitted  
5 elections of a school district shall be made as provided in this section.

6 (b) On or before January 15, the county election officer shall publish  
7 a notice of election one time in a newspaper having general circulation  
8 in the school district. The notice for board member elections shall state  
9 (1) the name of the school district, (2) the date of the general election,  
10 (3) the date of the primary election if one is held, (4) the filing deadline  
11 and the place of filing, and (5) the offices or positions to be filled.

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

17 (d) Not less than six weeks prior to the first Tuesday ~~in April~~ *following*  
18 *the fourth Monday in August of any even-numbered year* a notice of  
19 primary elections shall be published by the county election officer in a  
20 newspaper having general circulation in the school district, if a primary  
21 election is required to be held. The publication shall be made one time  
22 and shall state (1) the name of the school district, (2) the date of the  
23 primary election, (3) the names of the candidates and the office or posi-  
24 tion for which each is a candidate, (4) the voting place or places and the  
25 area each voting place is to serve, (5) the times of opening and closing of  
26 the polls. Description of areas shall be in the terms determined by the  
27 county election officer.

28 (e) Not less than three days prior to the first Tuesday ~~in April~~ *follow-*  
29 *ing the fourth Monday in August in any even-numbered year* notice of  
30 the general election shall be published by the county election officer one  
31 time in a newspaper having general circulation in the school district. The  
32 notice shall state (1) the name of the school district, (2) the date of the  
33 general election, (3) the names of the candidates and the office or position  
34 for which each is a candidate, (4) the voting place or places and the area  
35 each voting place is to serve, (5) the time of opening and closing of polls.  
36 Description of areas shall be in such terms as may be determined by the  
37 county election officer.

38 (f) Notice of any question submitted election of any school district  
39 shall be made in the manner provided by K.S.A. 10-120, and amendments  
40 thereto. The notice shall state (1) the name of the school district, (2) the  
41 date of the election, (3) the amount of bonds to be issued, if a bond  
42 election, (4) the proposition to be voted upon, (5) the hours of opening  
43 and closing of the polls, (6) the voting place or places and the area each

1 voting place is to serve, and (7) any other information specifically required  
2 by law. Description of areas shall be in the terms determined by the  
3 county election officer.

4 Sec. 7. K.S.A. 25-2023 is hereby amended to read as follows: 25-  
5 2023. (a) *Except as provided in subsection (b)*, each board member shall  
6 qualify by filing an oath of office with the election officer not later than  
7 ~~ten (10)~~ 10 days following the date of the election, or not later than five  
8 ~~(5)~~ days after issuance of such member's certificate of election, whichever  
9 is the later date. Each board member shall take office on the July 1  
10 following the general school election. Each member elected to a board  
11 of education shall hold office until a successor is elected or appointed and  
12 qualified and shall serve for a term of four ~~(4)~~ years.

13 (b) *Board members elected in 2001 shall hold office until successors*  
14 *are elected and qualified in 2004. Board members elected in 2003 shall*  
15 *hold office until successors are elected and qualified in 2006.*

16 Sec. 8. K.S.A. 25-2102 is hereby amended to read as follows: 25-  
17 2102. (a) "General election" means the election held on the Tuesday  
18 succeeding the first Monday in November of even-numbered years, ~~the~~  
19 ~~elections held for officers on the first Tuesday in April~~, and in the case  
20 of special elections of any officers to fill vacancies, the election at which  
21 any such officer is finally elected.

22 (b) "Primary election" means the election held on the first Tuesday  
23 ~~in August following the fourth Monday in August~~ of even-numbered  
24 years, ~~the election held five weeks preceding the election on the first~~  
25 ~~Tuesday in April~~, and any other preliminary election at which part of the  
26 candidates for special election to any national, state, county, city or school  
27 office are eliminated by the process of the election but at which no officer  
28 is finally elected.

29 Sec. 9. K.S.A. 25-2107 is hereby amended to read as follows: 25-  
30 2107. *From and after July 1, 2003*, the general election of city officers  
31 shall be held on the first Tuesday in ~~April~~ *November of an even-numbered*  
32 *year*. Except as otherwise provided by law or as provided by charter or-  
33 *dinance passed after April 30, 1968*, pursuant to article 12, section 5, of  
34 the constitution of Kansas, *from and after July 1, 2003*, every city shall  
35 have an election of city officers in ~~odd-numbered~~ *even-numbered* years  
36 only, and the terms of city officers shall be two ~~(2)~~ years. *Provided, how-*  
37 *ever*, That. The provisions of this section shall not invalidate, repeal or  
38 otherwise affect any charter ordinance of any city of the third class having  
39 a population of not less than ~~one thousand five hundred (1,500)~~ *1,500*  
40 nor more than ~~two thousand (2,000)~~ *2,000* located in a county having a  
41 population of not less than ~~fifty thousand (50,000)~~ *50,000* nor more than  
42 ~~one hundred thousand (100,000)~~ *100,000*, which ordinance had become  
43 effective prior to April 30, 1968.

1 Sec. 10. K.S.A. 25-2108a is hereby amended to read as follows: 25-  
2 2108a. (a) *Except as otherwise provided in subsection (b), there shall be*  
3 *a primary election of city officers on the Tuesday preceding by five weeks*  
4 *the first Tuesday in April first Tuesday following the fourth Monday in*  
5 *August of every year that such city has a city election, except as otherwise*  
6 *provided in subsection (b) of this section.*

7 (b) No primary election of city officers shall be held unless by holding  
8 such primary one ~~(1)~~ or more persons will be eliminated as candidates  
9 for office. In the event there are not more than two ~~(2)~~ candidates for  
10 any one office, the names of the candidates for such office shall not appear  
11 on the primary election ballots, and there shall be no primary election for  
12 such office, but the names of such candidates shall be placed on the  
13 general city election ballot.

14 Sec. 11. K.S.A. 25-2109 is hereby amended to read as follows: 25-  
15 2109. The filing deadline for all city elections shall be 12:00 o'clock noon  
16 of the Tuesday preceding by 10 weeks the first Tuesday in ~~April~~ *Novem-*  
17 *ber of an even-numbered year.*

18 Sec. 12. K.S.A. 25-2120 is hereby amended to read as follows: 25-  
19 2120. (a) The county election officer who conducts the city election shall  
20 promptly certify to the city governing body the determination of election  
21 results made by the county board of canvassers. *Except as provided in*  
22 *subsection (b), the term of office shall commence with and include the*  
23 *first regular meeting of the governing body following certification of the*  
24 *election.*

25 Every person elected or appointed to city office, before entering upon  
26 the duties of such office, shall take and subscribe an oath or affirmation  
27 as specified in K.S.A. 54-106, and every such oath or affirmation shall be  
28 filed with the city clerk.

29 (b) (1) *Each city official the starting date of whose term of office is*  
30 *governed by this section and who is elected in 2003 shall hold office until*  
31 *the first regular meeting of the governing body following the certification*  
32 *of the election in 2004.*

33 (2) *The term of each city official the starting date of whose term of*  
34 *office is governed by this section and who is elected in 2004 shall com-*  
35 *mence with and include the first regular meeting of the governing body*  
36 *following the certification of the election.*

37 Sec. 13. K.S.A. 25-2311 is hereby amended to read as follows: 25-  
38 2311. (a) County election officers shall provide for the registration of  
39 voters at one or more places on all days except the following:

40 (1) Days when the main offices of the county government are closed  
41 for business, except as is otherwise provided by any county election officer  
42 under the provisions of K.S.A. 25-2312 and amendments thereto;

43 (2) days when the main offices of the city government are closed for

1 business, in the case of deputy county election officers who are city clerks  
2 except as is otherwise provided by any county election officer under the  
3 provisions of K.S.A. 25-2312 and amendments thereto;

4 (3) the 14 days preceding the day of primary and general state  
5 elections;

6 (4) the 14 days preceding the day of primary city and school elections,  
7 if either has a primary;

8 (5) the 14 days preceding each first Tuesday in ~~April of odd num-~~  
9 ~~bered years~~ *November of even-numbered years*, being the day of city and  
10 school general elections;

11 (6) the 14 days preceding the day of any election other than one  
12 specified in paragraphs (3), (4) and (5) of this subsection; and

13 (7) the day of any primary or general election or any question sub-  
14 mitted election.

15 (b) For the purposes of this section in counting days that registration  
16 books are to be closed, all of the days including Sunday and legal holidays  
17 shall be counted.

18 (c) The secretary of state shall notify every county election officer of  
19 the dates when registration shall be closed preceding primary and general  
20 state, city and school elections. The days so specified by the secretary of  
21 state shall be conclusive. Such notice shall be given by the secretary of  
22 state by mail at least 60 days preceding every primary and general state,  
23 city and school election.

24 (d) The last days before closing of registration books as directed by  
25 the secretary of state under subsection (c) of this section, county election  
26 officers shall provide for registration of voters during regular business  
27 hours, during the noon hours and at other than regular business hours  
28 upon such days as the county election officers deem necessary. The last  
29 three business days before closing of registration books prior to state  
30 primary and general elections, county election officers may provide for  
31 registration of voters until 9:00 p.m. in cities of the first and second class.

32 (e) County election officers shall accept and process applications re-  
33 ceived by voter registration agencies and the division of motor vehicles  
34 not later than the 15th day preceding the date of any election; mailed  
35 voter registration applications that are postmarked not later than the 15th  
36 day preceding the date of any election; or, if the postmark is illegible or  
37 missing, is received in the mail not later than the ninth day preceding the  
38 day of any election.

39 (f) The secretary of state may adopt rules and regulations interpreting  
40 the provisions of this section and specifying the days when registration  
41 shall be open, days when registration shall be closed, and days when it is  
42 optional with the county election officer for registration to be open or  
43 closed.



1 (g) Before each primary and general election held in even-numbered  
2 years, and at times and in a form prescribed by the secretary of state,  
3 each county election officer shall certify to the secretary of state the num-  
4 ber of registered voters in each precinct of the county as shown by the  
5 registration books in the office of such county election officer.

6 Sec. 14. K.S.A. 25-2502 is hereby amended to read as follows: 25-  
7 2502. (a) "General election" means the election held on the Tuesday  
8 succeeding the first Monday in November of even-numbered years, ~~the~~  
9 ~~elections held for officers on the first Tuesday in April,~~ and in the case  
10 of special elections of any officers to fill vacancies, the election at which  
11 any such officer is finally elected.

12 (b) "Primary election" means the election held on the first Tuesday  
13 ~~in August following the fourth Monday in August~~ of even-numbered  
14 years, ~~the election held five weeks preceding the election on the first~~  
15 ~~Tuesday in April,~~ and any other preliminary election at which part of the  
16 candidates for special election to any national, state, county, township,  
17 city or school office are eliminated by the process of the election but at  
18 which no officer is finally elected.

19 Sec. 15. K.S.A. 25-3503 is hereby amended to read as follows: 25-  
20 3503. (a) In the event that any vacancy occurs to which this act applies,  
21 and such occurrence is not more than ~~ninety (90)~~ 90 days and not less  
22 than ~~thirty (30)~~ 30 days before any primary election of state officers, the  
23 election provided for in this act shall be held on the same date as the  
24 primary election of state officers.

25 (b) In the event that any vacancy occurs to which this act applies, and  
26 such occurrence is not more than ~~ninety (90)~~ 90 days and not less than  
27 ~~thirty (30)~~ 30 days before any regular primary or general election of city  
28 and school officers occurring in an ~~odd-numbered~~ *even-numbered* year,  
29 the election provided for in this act shall be held within such ~~ninety (90)~~  
30 90 days and on the same date as such primary or general election.

31 (c) In the event that any vacancy occurs to which this act applies, and  
32 such occurrence is not more than ~~thirty (30)~~ 30 days before any primary  
33 election of state officers and before the general election of state officers,  
34 at such general election votes cast for the office of congressman in the  
35 district in which such vacancy has occurred shall be deemed to be cast to  
36 fill the vacancy for the unexpired term, as well as for the election for the  
37 next regular term. The governor shall proclaim the date of the election  
38 to be the same as the general election of state officers.

39 (d) In the event that any vacancy occurs to which this act applies, on  
40 or after the date of any general election of state officers and before the  
41 term of office in which the vacancy has occurred expires, votes cast for  
42 the office of congressman in the district in which such vacancy occurs  
43 shall be deemed to have been cast to fill such vacancy for the unexpired

1 term, as well as for election for the next regular term. The governor's  
2 approval of this act shall be deemed to proclaim that every regular elec-  
3 tion of a representative to the United States congress shall be an election  
4 for the unexpired term if any should occur, as well as election for the next  
5 regular term. In cases to which subsection (c) of this section or this sub-  
6 section applies, the person elected for the next regular term shall be  
7 deemed to have been elected for the balance of the unexpired term also.

8 Sec. 16. K.S.A. 25-3901 is hereby amended to read as follows: 25-  
9 3901. As used in this act, unless the context otherwise requires, the words  
10 and terms defined in article 25 of chapter 25 of Kansas Statutes Annotated  
11 shall have the meaning therein ascribed thereto, to the extent that the  
12 same are not in conflict with the following:

13 (a) "District office" means the office of district judge, district mag-  
14 istrate judge, county commissioner, state representative, state senator,  
15 district attorney or county attorney.

16 (b) "Party" means a political party having a state and national organ-  
17 ization and of which the officer or candidate whose position has become  
18 vacant was a member.

19 (c) "Party candidacy" means a candidate of a political party for a party  
20 nomination at a primary election or the party candidate at a general  
21 election.

22 (d) "General election" means the election held on the Tuesday suc-  
23 ceeding the first Monday in November in even-numbered years.

24 (e) "Primary election" means the election held on the first Tuesday  
25 ~~in August~~ *following the fourth Monday in August* in even-numbered  
26 years.

27 (f) "County chairman" or "county chairperson" means the chairper-  
28 son of the county central committee, provided to be elected under K.S.A.  
29 25-3802 and amendments thereto, of the political party of which the of-  
30 ficer or candidate whose position has become vacant was a member.

31 Sec. 17. K.S.A. 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-  
32 2023, 25-2102, 25-2107, 25-2108a, 25-2109, 25-2120, 25-2311, 25-2502,  
33 25-3503 and 25-3901 and K.S.A. 2002 Supp. 25-1122 are hereby repealed.

34 Sec. 18. This act shall take effect and be in force from and after its  
35 publication in the statute book.

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