

HOUSE Substitute for SENATE BILL No. 169

By Committee on Elections and Governmental Organization

3-26

10 AN ACT concerning elections; ~~concerning presentation of photographic~~
11 ~~identification at time of voting~~, amending K.S.A. 2007 Supp. 25-1122,
12 25-1123, 25-2908 ~~and~~,] 25-3002 and **[25-4501 and]** repealing the
13 existing sections.
14

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

16 Section 1. From and after January 1, 2010, K.S.A. 2007 Supp. 25-
17 1122 is hereby amended to read as follows: 25-1122. (a) Any registered
18 voter may file with the county election officer where such person is a
19 resident, or where such person is authorized by law to vote as a former
20 precinct resident, an application for an advance voting ballot. The signed
21 application shall be transmitted only to the county election officer by
22 personal delivery, mail, facsimile or as otherwise provided by law.

23 (b) If the registered voter is applying for an advance voting ballot to
24 be transmitted in person, ~~and such voter is a first-time voter~~, such voter
25 shall provide a form of valid identification such as a current and valid
26 Kansas driver's license, nondriver's identification card, utility bill, bank
27 statement, paycheck, government check or other government document
28 containing the voter's current name and address as indicated on the reg-
29 istration book. ~~Such voter shall not be required to provide identification~~
30 ~~if such voter has previously provided current and valid identification in~~
31 ~~the county where registered. to the election officer: (1) the voter's name;~~
32 ~~(2) if required, the voter's address; (3) the voter's signature on the regis-~~
33 ~~tration book [or application for an advance voting ballot as pre-~~
34 ~~scribed in K.S.A. 25-1122d]; and (4) a current and valid form of iden-~~
35 ~~tification listed in subsection (i) of section 3 and amendments thereto. A~~
36 ~~current and valid form of identification listed in subsection (i) of section~~
37 ~~3, and amendments thereto, shall be presented in addition to any other~~
38 ~~form of identification required pursuant to this section. A signature may~~
39 ~~be made by mark, initials, typewriter, print, stamp, symbol or any other~~
40 ~~manner if by placing the signature on the document the person intends~~
41 ~~the signature to be binding. A signature may be made by another person~~
42 ~~at the voter's direction if the signature reflects such voter's intention.~~

43 *The election officer shall compare the voter's signature on the registra-*

1 *tion book* **[or application for an advance voting ballot as prescribed**
2 **in K.S.A. 25-1122d]** *with the signature on the photographic identifica-*
3 *tion provided by the voter. If the election official is satisfied as to the*
4 *identity of the voter, the election official shall provide to the voter an*
5 *advance voting ballot. If the photographic identification does not contain*
6 *the signature of the voter, an additional form of identification that pro-*
7 *vides the voter's signature shall be required from the voter. The additional*
8 *form of identification shall comply with the provisions of subsection (i) of*
9 *section 3 and amendments thereto.*

10 (c) If the registered voter is applying for an advance voting ballot to
11 be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter
12 shall provide on the application for an advance voting ballot the voter's
13 current and valid Kansas driver's license number, nondriver's identifica-
14 tion card number or the last four digits of the voter's social security num-
15 ber, or shall provide with the application a copy of the voter's current and
16 valid Kansas driver's license, nondriver's identification card, ~~utility bill,~~
17 ~~bank statement, paycheck, government check~~ or other government doc-
18 ument containing the voter's current name and address as indicated on
19 the registration book. ~~Such voter shall not be required to provide identi-~~
20 ~~fication if such voter has previously provided current and valid identi-~~
21 ~~fication in the county where registered.~~

22 (d) If a ~~first-time~~ voter is unable or refuses to provide current and
23 valid identification, or if the name and address do not match the voter's
24 name and address on the registration book, the voter may vote a provi-
25 sional ballot according to K.S.A. 25-409, and amendments thereto. The
26 voter shall provide a valid form of identification as defined in subsection
27 (c) of this section to the county election officer in person or provide a
28 copy by mail or electronic means before the meeting of the county board
29 of canvassers. At the meeting of the county board of canvassers the county
30 election officer shall present copies of identification received from provi-
31 sional voters and the corresponding provisional ballots. If the county
32 board of canvassers determines that a voter's identification is valid and
33 the provisional ballot was properly cast, the ballot shall be counted.

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

36 (1) For the primary election occurring on the first Tuesday in August
37 in even-numbered years, between April 1 of such year and the last busi-
38 ness day of the week preceding such primary election.

39 (2) For the general election occurring on the Tuesday succeeding the
40 first Monday in November in even-numbered years, between 90 days
41 prior to such election and the last business day of the week preceding
42 such general election.

43 (3) For the primary election held five weeks preceding the first Tues-

1 day in April, between January 1 of the year of such election and the last
2 business day of the week preceding such primary election.

3 (4) For the general election occurring on the first Tuesday in April,
4 between January 1 of the year of such election and the last business day
5 of the week preceding such general election.

6 (5) For question submitted elections occurring on the date of a pri-
7 mary or general election, the same as is provided for ballots for election
8 of officers at such election.

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

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

18 (8) For the presidential preference primary, between January 1 of
19 the year in which such primary is held and the last business day of the
20 week preceding such primary election.

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

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

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

41 In any county having a population exceeding 250,000, the county elec-
42 tion officer may designate places other than the central county election
43 office as satellite advance voting sites. At any satellite advance voting site,

1 a registered voter may obtain an application for advance voting ballots,
2 such ballots and instructions shall be delivered to the voter in the same
3 manner and subject to the same limitations as otherwise provided by this
4 subsection.

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

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

37 (i) 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 ~~(j) For the purposes of this section, "first-time voter" means a reg-~~
6 ~~istered voter who has not previously voted in any election in the county~~
7 ~~in which the voter desires to vote. First-time voter includes a person~~
8 ~~whose name was removed from the county registration list in accordance~~
9 ~~with K.S.A. 25-2316c, and amendments thereto, and who has re-~~
10 ~~registered.~~

11 ~~(k) The secretary of state may adopt rules and regulations defining~~
12 ~~valid forms of identification.~~

13 *(k) The following persons are exempt from the identification require-*
14 *ments of this section:*

- 15 *(1) Persons 65 years of age or older;*
- 16 *(2) persons with a temporary or permanent physical disability;*
- 17 *(3) members of the uniformed service on active duty who, by reason*
18 *of such active duty, are absent from the county on election day;*
- 19 *(4) members of the merchant marine who, by reason of service in the*
20 *merchant marine, are absent from the county on election day;*
- 21 *(5) the spouse or dependent of a member referred to in paragraph (3)*
22 *or (4) who, by reason of the active duty or service of the member, is absent*
23 *from the county on election day; and*
- 24 *(6) persons currently residing outside the United States who are eli-*
25 *gible to vote in Kansas.*

26 Sec. 2. From and after January 1, 2010, K.S.A. 2007 Supp. 25-1123
27 is hereby amended to read as follows: 25-1123. (a) When an application
28 for an advance voting ballot has been filed in accordance with K.S.A. 25-
29 1122, and amendments thereto, the county election officer shall transmit
30 to the voter applying therefor one each of the appropriate ballots. Except
31 as provided by subsection (b), the county election officer shall transmit
32 the advance voting ballots to the voter at one of the following addresses
33 as specified by the voter on such application: (1) The voter's residential
34 address or mailing address as indicated on the registration list; (2) the
35 voter's temporary residential address; or (3) a medical care facility as
36 defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital,
37 hospice or adult care home where the voter resides. No advance voting
38 ballot shall be transmitted by the county election officer by any means
39 prior to the 20th day before the election for which an application for an
40 advance voting ballot has been received by such county election officer.
41 If the advance voting ballot is transmitted by mail, such ballot shall be
42 transmitted with printed instructions prescribed by the secretary of state
43 and a ballot envelope bearing upon the outside a printed form as de-

1 scribed in K.S.A. 25-1120, and amendments thereto, and the same num-
2 ber as the number of the ballot. If the advance voting ballot is transmitted
3 to the applicant in person in the office of the county election officer or
4 at a satellite advance voting site, such advance voting ballot and printed
5 instructions shall be transmitted in an advance voting ballot envelope
6 bearing upon the outside a printed form as described in K.S.A. 25-1120,
7 and amendments thereto, and the same number as the number of the
8 ballot unless the voter elects to deposit the advance voting ballot into a
9 locked ballot box without an envelope. All ballots shall be transmitted to
10 the advance voting voter not more than 20 days before the election but
11 within two business days of the receipt of such voter's application by the
12 election officer or the commencement of such 20-day period. In primary
13 elections required to be conducted on a partisan basis, the election officer
14 shall deliver to such voter the ballot of the political party of the applicant.

15 (b) The restrictions in subsection (a) relating to where a county elec-
16 tion officer may transmit an advance voting ballot shall not apply to an
17 advance voting ballot requested pursuant to an application for an advance
18 voting ballot filed by a voter who has a temporary illness or disability or
19 who is not proficient in reading the English language.

20 (c) The county election officer shall compare the driver's license
21 number, nondriver's identification card number, ~~social security number~~
22 ~~or copy of other valid identification provided by a first-time voter to the~~
23 ~~voter registration list verified by the division of motor vehicles in accord-~~
24 ~~ance with federal law~~ *the last four digits of the voter's social security*
25 *number or other government document containing the voter's current*
26 *name and address as indicated in the registration book to the voter reg-*
27 *istration list verified by the division of motor vehicles in accordance with*
28 *federal law.* If no identification information was provided by the ~~first-time~~
29 voter, or if such information does not match the information on the voter
30 registration list, the county election officer shall not transmit an advance
31 voting ballot.

32 (d) *The following persons are exempt from the identification require-*
33 *ments of this section:*

- 34 (1) *Persons 65 years of age or older;*
- 35 (2) *persons with a temporary or permanent physical disability;*
- 36 (3) *members of the uniformed service on active duty who, by reason*
37 *of such active duty, are absent from the county on election day;*
- 38 (4) *members of the merchant marine who, by reason of service in the*
39 *merchant marine, are absent from the county on election day;*
- 40 (5) *the spouse or dependent of a member referred to in paragraph (3)*
41 *or (4) who, by reason of the active duty or service of the member, is absent*
42 *from the county on election day; and*
- 43 (6) *persons currently residing outside the United States who are eli-*

1 *gible to vote in Kansas.*

2 Sec. 3. From and after January 1, 2010, K.S.A. 2007 Supp. 25-2908
3 is hereby amended to read as follows: 25-2908. (a) Each polling place
4 shall use either: (1) A registration book and a poll book, as defined in
5 K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or
6 (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amend-
7 ments thereto. The county election officer shall determine which books
8 are used in each county, and which book voters shall sign.

9 (b) A person desiring to vote shall provide to the election board: (1)
10 the voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's
11 signature on the registration or poll book; *and (4) a current and valid*
12 *form of identification listed in subsection (i). A current and valid form of*
13 *identification listed in subsection (i) shall be presented in addition to any*
14 *other form of identification required pursuant to this section.* A signature
15 may be made by mark, initials, typewriter, print, stamp, symbol or any
16 other manner if by placing the signature on the document the person
17 intends the signature to be binding. A signature may be made by another
18 person at the voter's direction if the signature reflects such voter's
19 intention.

20 (c) A member of the election board shall:

21 (1) Announce the voter's name in a loud and distinct tone of voice,
22 and, if the name is in the registration books, the member of the election
23 board having the registration record shall repeat the name;

24 (2) request the voter's signature on the registration or poll book;

25 (3) provide the required signature at the request of and on behalf of
26 any voter who is unable to personally affix a signature by reason of tem-
27 porary illness or disability, or lack of proficiency in reading the English
28 language;

29 ~~(4) if the voter is a first-time voter as described in subsection (h) of~~
30 ~~this section, request valid identification from the voter unless such voter~~
31 ~~has previously submitted current and valid identification in the county~~
32 ~~where registered; verify whether the photographic identification provided~~
33 ~~by the voter bears a signature. If the member of the election board is~~
34 ~~satisfied as to the identity of the voter, the member of the election board~~
35 ~~shall place such member's initials in the space provided and allow the~~
36 ~~voter to vote. If the photographic identification does not contain the sig-~~
37 ~~nature of the voter, an additional form of identification that provides the~~
38 ~~voter's signature shall be required from the voter;~~

39 (5) give the voter one ballot, on the upper right-hand corner of which
40 shall be written the number corresponding to the voter's number in the
41 registration book or poll book; and

42 (6) mark the voter's name in the registration book and party affiliation
43 list.

1 (d) A ~~first-time~~ voter shall provide to the election board a form of
2 valid identification such as a current and valid Kansas driver's license,
3 nondriver's identification card, utility bill, bank statement, paycheck, gov-
4 ernment check or other government document unless such voter has
5 previously submitted current and valid identification in the county where
6 registered. The document provided in accordance with this section shall
7 contain the voter's current name and address as indicated on the regis-
8 tration book or poll book.

9 (e) If a ~~first-time~~ voter is unable or refuses to provide current and
10 valid identification at the polling place, or if the name and address do not
11 match the voter's name and address on the registration book or poll book,
12 the voter may vote a provisional ballot according to K.S.A. 25-409, and
13 amendments thereto. The voter shall provide a valid form of identification
14 as defined in subsection (d) of this section to the county election officer
15 in person or provide a copy by mail or electronic means before the meet-
16 ing of the county board of canvassers. At the meeting of the county board
17 of canvassers the county election officer shall present copies of identifi-
18 cation received from provisional voters and the corresponding provisional
19 ballots. If the county board of canvassers determines that a voter's iden-
20 tification is valid and the provisional ballot was properly cast, the ballot
21 shall be counted.

22 (f) If the name of any person desiring to vote at an election is not in
23 the registration books, an election board member shall print the name
24 and address of the person appearing to vote in the registration book or
25 poll book. The person appearing to vote shall add such person's signature
26 to the registration book or poll book beside such person's printed name,
27 as listed in the registration book or poll book, and the election board
28 judge shall challenge such person's vote pursuant to K.S.A. 25-414, and
29 amendments thereto. During the pendency of a challenge other voters
30 shall be given ballots and be permitted to vote.

31 (g) A voter who has received an advance voting ballot may vote a
32 provisional ballot on election day at the precinct polling place where the
33 voter resides. If the voter returns the advance voting ballot to a judge or
34 clerk at the precinct polling place, the judge or clerk shall void such
35 advance voting ballot. Any such provisional ballot shall be counted only
36 if the county board of canvassers determines that the provisional ballot
37 was properly cast and the voter has not otherwise voted at such election.

38 ~~(h) For the purposes of this section, "first-time voter" means a reg-~~
39 ~~istered voter who has not previously voted in any election in the county~~
40 ~~in which the voter desires to vote. First-time voter includes a person~~
41 ~~whose name was removed from the county registration list in accordance~~
42 ~~with K.S.A. 25-2316c, and amendments thereto, and has re-registered.~~

43 ~~(i)~~ (h) The secretary of state may adopt rules and regulations defining

1 valid forms of identification.

2 (i) (1) *The following forms of identification shall be considered cur-*
3 *rent and valid if such form of identification contains the name and pho-*
4 *tograph of the applicant and an expiration date which has not expired:*

5 (A) *A Kansas driver's license;*

6 (B) *a Kansas identification card issued by the Kansas department of*
7 *revenue;*

8 (C) *a United States passport;*

9 (D) *an employee badge or identification;*

10 (E) *a debit or credit card;*

11 (F) *a military identification;*

12 (G) *a student identification; or*

13 (H) *a public assistance identification.*

14 (2) *If the voter fails to furnish the identification required by this sub-*
15 *section, the voter shall be allowed to vote a provisional ballot. The can-*
16 *vassing board shall determine the validity of the ballot pursuant to K.S.A.*
17 *25-3002 and amendments thereto.*

18 (j) *The following persons are exempt from the identification require-*
19 *ments of this section:*

20 (1) *Persons 65 years of age or older;*

21 (2) *persons with a temporary or permanent physical disability;*

22 (3) *members of the uniformed service on active duty who, by reason*
23 *of such active duty, are absent from the county on election day;*

24 (4) *members of the merchant marine who, by reason of service in the*
25 *merchant marine, are absent from the county on election day;*

26 (5) *the spouse or dependent of a member referred to in paragraph (3)*
27 *or (4) who, by reason of the active duty or service of the member, is absent*
28 *from the county on election day; and*

29 (6) *persons currently residing outside the United States who are eli-*
30 *gible to vote in Kansas.*

31 Sec. 4. From and after January 1, 2010, K.S.A. 2007 Supp. 25-3002
32 is hereby amended to read as follows: 25-3002. (a) The rules prescribed
33 in this section shall apply to:

34 (1) The original canvass by election boards.

35 (2) Intermediate and final canvasses by county boards of canvassers.

36 (3) Final canvass by the state board of canvassers.

37 (4) All election contests.

38 (5) All other officers canvassing or having a part in the canvass of any
39 election.

40 (b) Rules for canvassers:

41 (1) No ballot, or any portion thereof, shall be invalidated by any tech-
42 nical error unless it is impossible to determine the voter's intention. De-
43 termination of the voter's intention shall rest in the discretion of the board

1 canvassing in the case of a canvass and in the election court in the case
2 of an election contest.

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

9 (A) Whenever a voting mark shall be made in the square *or oval* at
10 the left of the name of more than one candidate for the same office,
11 except when the ballot instructs that more than one candidate is to be
12 voted.

13 (B) Whenever a voting mark is placed in the square *or oval* at the
14 left of a space where no candidate is listed.

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

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

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

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

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

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

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

36 (6) A write-in vote for candidates for state offices elected on a state-
37 wide basis other than offices subject to paragraph (4) shall not be counted
38 unless the candidate has filed an affidavit of candidacy pursuant to K.S.A.
39 25-305, and amendments thereto.

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

43 (8) No ballot cast by a ~~first-time voter as defined by K.S.A. 25-1122,~~

1 ~~and amendments thereto, or K.S.A. 25-2908, and amendments thereto,~~
2 *voter shall be counted if the voter fails to provide valid identification*
3 *unless such voter is exempt from identification requirements as specified*
4 *in subsection (k) of K.S.A. 25-1122, and amendments thereto, subsection*
5 *(d) of K.S.A. 25-1123, and amendments thereto, or subsection (j) of K.S.A.*
6 *25-2908, and amendments thereto.*

7 New Sec. 5. (a) Any person **[who is 18 years of age or older and**
8 **who signs an affidavit that the person qualifies for any of the aid**
9 **listed herein]** shall be eligible to receive a nondriver's identification card
10 free of charge upon application to the division of vehicles to meet the
11 requirements for photographic identification under this act who receive
12 any of the following: Food stamps, general assistance, supplemental se-
13 curity income (SSI), temporary assistance to families, medicaid, united
14 tribes food distribution program, BIA general assistance, administered
15 temporary assistance for needy families, head start but only those meeting
16 its income qualifying standard, free school lunch program or any person
17 whose income is 150% or less of the federal poverty level.

18 (b) The secretary of revenue shall adopt rules and regulations to im-
19 plement this section.

20 **[(c) Any person who signs an affidavit provided in subsection**
21 **(a) knowing the information is false, shall be guilty of an unclas-**
22 **sified misdemeanor subject to a fine of not to exceed \$250.]**

23 **[Sec. 6. From and after January 1, 2010, K.S.A. 2007 Supp. 25-**
24 **4501 is hereby amended to read as follows: 25-4501. (a) Subject to**
25 **the provisions of this section, there shall be held a presidential**
26 **preference primary election in the year 2012, on the first Saturday**
27 **in February, and every fourth year thereafter.**

28 **[(b) On or before November July 1, 2011, and on or before No-**
29 **vember July 1 every fourth year thereafter, the secretary of state**
30 **shall certify to the governor, to the chief clerk of the house of**
31 **representatives and to the secretary of the senate a common date**
32 **in the next succeeding year on which at least five other states will**
33 **hold a presidential preference primary election, a delegate or mass**
34 **convention or a caucus of qualified voters at which delegates to a**
35 **national convention are selected. On or before each such date, if**
36 **the secretary of state determines that there is no common date on**
37 **which at least five states are conducting such a selection process**
38 **in the next succeeding year, the secretary of state shall certify to**
39 **the governor, the chief clerk of the house of representatives and**
40 **the secretary of the senate on a date, which shall be on or before**
41 **the first Tuesday in April of the next following year, on which the**
42 **presidential preference primary election shall be held.**

43 **[(c) The date certified by the secretary of state pursuant to sub-**

1 **section (b) shall be the date on which the presidential preference**
2 **primary election authorized by subsection (a) shall be held in the**
3 **state of Kansas.]**

4 Sec. ~~6.~~ **[7.]** On and after January 1, 2010, K.S.A. 2007 Supp. 25-1122,
5 25-1123, 25-2908 ~~and~~ [s] 25-3002 [**and 25-4501**] are hereby repealed.

6 Sec. ~~7.~~ **[8.]** This act shall take effect and be in force from and after
7 its publication in the statute book.