

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2007

## SENATE BILL No. 320

By Committee on Federal and State Affairs

2-7

12 AN ACT concerning the presidential primary; establishing the date  
13 thereof; amending K.S.A. 25-4502 and 25-4503 *and K.S.A. 2006*  
14 *Supp. 25-4501* and repealing the existing sections.  
15

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

17 **Section 1. K.S.A. 2006 Supp. 25-4501 is hereby amended to**  
18 **read as follows: 25-4501. (a) Subject to the provisions of this sec-**  
19 **tion, there shall be held a presidential preference primary election**  
20 **in the year 2008, and every fourth year thereafter.**

21 **(b) On or before November 1, 2007, and on or before November**  
22 **1 every fourth year thereafter, the secretary of state shall certify to**  
23 **the governor, to the chief clerk of the house of representatives and**  
24 **to the secretary of the senate a common date in the next succeeding**  
25 **year on which at least five [three] other states will hold a presiden-**  
26 **tial preference primary election, a delegate or mass convention or**  
27 **a caucus of qualified voters at which delegates to a national con-**  
28 **vention are selected. On or before each such date, if the secretary**  
29 **of state determines that there is no common date on which at least**  
30 **five three states are conducting such a selection process in the next**  
31 **succeeding year, the secretary of state shall certify to the governor,**  
32 **the chief clerk of the house of representatives and the secretary of**  
33 **the senate on a date, which shall be on or before the first Tuesday**  
34 **in April of the next following year, on which the presidential pref-**  
35 **erence primary election shall be held.**

36 **(c) The date certified by the secretary of state pursuant to sub-**  
37 **section (b) shall be the date on which the presidential preference**  
38 **primary election authorized by subsection (a) shall be held in the**  
39 **state of Kansas.**

40 ~~Section 1.~~ **Sec. 2.** K.S.A. 25-4502 is hereby amended to read as  
41 follows: 25-4502. (a) Every registered elector who has declared such elec-  
42 tor's party affiliation with a political party eligible to participate in a state  
43 primary election shall have the opportunity to vote one vote at a presi-

1 denial preference primary election for such elector's preference for one  
 2 person to be the candidate for nomination by such candidate's party for  
 3 president of the United States or for "none of the names shown." Any  
 4 registered elector who has not declared such candidate's party affiliation  
 5 prior to the election may make such a declaration at the polling place,  
 6 and thereupon shall be permitted likewise the opportunity to vote one  
 7 vote at the presidential preference primary. A vote for "none of the names  
 8 shown" shall express the preference for an uncommitted delegation from  
 9 Kansas to the national convention of that elector's party. Preference shall  
 10 be indicated by marking with a cross or check mark inside a voting square  
 11 on the ballot at the left of the voter's choice, or by voting by using a voting  
 12 machine.

13 (b) The name of any candidate for a political party nomination for  
 14 president of the United States shall be printed on the ballots only if, not  
 15 later than twelve o'clock noon, ~~February 12 prior to~~ *on the date which*  
 16 *precedes by seven weeks the date of* the presidential preference primary  
 17 or, if such date falls on Saturday, Sunday or a holiday, not later than twelve  
 18 o'clock noon the following day that is not a Saturday, Sunday or holiday:

19 (1) The candidate files with the secretary of state a declaration of  
 20 intent to become a candidate accompanied by a fee of \$100; or

21 (2) there is filed in the office of secretary of state a petition in the  
 22 form prescribed by K.S.A. 25-205, and amendments thereto, signed by  
 23 not less than 1,000 registered electors, who are affiliated with the political  
 24 party of such candidate as shown by the party affiliation list. The secretary  
 25 of state shall determine the sufficiency of each such petition, and such  
 26 determination shall be final.

27 ~~Sec. 2: 3.~~ K.S.A. 25-4503 is hereby amended to read as follows: 25-  
 28 4503. (a) The names of the candidates for nomination for president of  
 29 the United States by a political party eligible to participate in a state  
 30 primary election shall be printed on the official ballots for the presidential  
 31 preference primary elections of their respective parties along with the  
 32 choice of "none of the names shown." The ballots shall be marked, re-  
 33 turned and canvassed in the same manner and under the same conditions,  
 34 so far as the same are applicable, as in the case of the primary election  
 35 of candidates for nomination for state offices.

36 (b) The official presidential preference primary election ballots shall  
 37 be printed in a single column and shall have the following heading:

38 **OFFICIAL PRESIDENTIAL PREFERENCE**  
 39 **PRIMARY ELECTION BALLOT**

40 \_\_\_\_\_ Party

41 To vote for a person whose name is printed on the ballot make a cross  
 42 or check mark in the square *or oval* to the left of the name of the person  
 43 for whom you desire to vote. To vote for "none of the names shown"

1 make a cross or check mark in the square **or oval** to the left of such  
2 words.

3 This shall be followed by the names of the candidates for president of  
4 the United States of such party in the manner and order certified by the  
5 secretary of state.

6 (c) As soon as possible after ~~February 12~~ *the candidate filing deadline*  
7 *as specified in subsection (b) of K.S.A. 25-4502, and amendments thereto,*  
8 secretary of state shall certify to each county election officer the name of  
9 each person who is a candidate for nomination to be president of the  
10 United States of each party authorized to participate in the presidential  
11 preference primary election. The secretary of state shall publish, not less  
12 than 21 days prior to the presidential preference primary, a notice in one  
13 newspaper in each county of the state where a newspaper is published,  
14 that the official list of candidates and the date of the election can be  
15 acquired in the office of the secretary of state or the office of the county  
16 election officer.

17 (d) When a party participating in the presidential preference primary  
18 election has more than one candidate, the secretary of state shall deter-  
19 mine by lot the order in which the candidates' names will appear on the  
20 ballot. The order of names, as established by the secretary of state, shall  
21 be uniform in each county throughout the state.

22 Sec. ~~3~~ **4**. K.S.A. 25-4502 and 25-4503 **and K.S.A. 2006 Supp. 25-**  
23 **4501** are hereby repealed.

24 Sec. ~~4~~ **5**. This act shall take effect and be in force from and after its  
25 publication in the statute book.