

Senate Substitute for HOUSE BILL No. 2053

AN ACT concerning elections; providing for a presidential preference primary election; establishing voter registration and voting procedures for such election; amending K.S.A. 25-1122, 25-2311, 25-4501a, 25-4502, 25-4503, 25-4505, 25-4506 and 25-4507 and K.S.A. 2022 Supp. 25-3009 and repealing the existing sections.

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

Section 1. 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 person is a resident, or where the 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) (I) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1)(A) 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)(B) 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)(C) *for the presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto, between January 1 of the year in which such election is held and 30 days prior to the day of such election;*

(D) 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)(E) 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-; *and*

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

(2) 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) (I) 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.

(2) 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.

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

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

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the 20 days preceding the day of primary and general elections;

(4) *the 30 days preceding the day of any presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto;*

(5) the 20 days preceding the day of any election other than one specified in this subsection; and

~~(5)~~(6) the day of any primary or general election or any question submitted election.

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

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

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c), county election officers

shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to primary and general elections, county election officers may provide for registration of voters until 9 p.m. in any city.

(e) (1) *Except as provided in paragraph (2), county election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 21<sup>st</sup> day preceding the date of any election; or mailed voter registration applications that are postmarked not later than the 21<sup>st</sup> day preceding the date of any election; ~~or~~ except, if the postmark is illegible or missing, ~~is~~ mailed voter registration applications received in the mail not later than the ninth day preceding the day of any election.*

(2) *For any presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto, county election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 31<sup>st</sup> day preceding the date of such election or mailed voter registration applications that are postmarked not later than the 31<sup>st</sup> day preceding such election except, if the postmark is illegible or missing, mailed voter registration applications received in the mail not later than the 19<sup>th</sup> day preceding the day of such election.*

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

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

Sec. 3. 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.

(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.

(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 (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.

(E) *Any presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto.*

(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. 4. K.S.A. 25-4501a is hereby amended to read as follows: 25-4501a. (a) *Except as otherwise provided, each political party—~~which~~ that is a recognized political party in accordance with K.S.A. 25-302a, and amendments thereto, shall have procedures to select a presidential nominee and shall select a presidential nominee in accordance with such party procedures for the 2016 presidential election, and every fourth year thereafter.*

(b) (1) *On March 19, 2024, for each political party that is a recognized political party in accordance with K.S.A. 25-302a, and amendments thereto, there shall be held a presidential preference primary election for the purpose of electing the preferred nominee of a political party for the office of president and vice president. Except as otherwise provided, the provisions of all applicable statutes concerning elections shall apply to such election.*

(2) *The provisions of this subsection shall not apply to any political party that is subject to K.S.A. 25-202(b), and amendments thereto, or that has submitted written notice to the secretary of state on or before December 1, 2023, that such political party has elected to not participate in the presidential preference primary election.*

Sec. 5. K.S.A. 25-4502 is hereby amended to read as follows: 25-4502. (a) Every registered elector who has declared such elector's party affiliation with a political party eligible to participate in a state primary election shall have the opportunity to vote one vote at a presidential preference primary election for such elector's preference for one person

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

(b) The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only if; *such candidate has filed the appropriate registration information with the federal election commission to become a candidate for president of the United States and one of the following is filed with the secretary of state not later than 12 noon; on the date which precedes by seven weeks that is 60 days prior to the date of the presidential preference primary or, if such date falls on Saturday, Sunday or a holiday, not later than 12 noon the following day that is not a Saturday, Sunday or holiday.*

(1) ~~The candidate files with the secretary of state~~ A declaration of intent to become a candidate *filed by the candidate and* accompanied by a fee of ~~\$100~~ *\$10,000*; or

(2) ~~there is filed in the office of secretary of state~~ a petition in the form prescribed by K.S.A. 25-205, and amendments thereto, signed by not less than ~~1,000~~ *5,000* registered electors, who are affiliated with the political party of such candidate as shown by the party affiliation list. The secretary of state shall determine the sufficiency of each such petition, and such determination shall be final.

(c) *All fees received by the secretary of state pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.*

Sec. 6. K.S.A. 25-4503 is hereby amended to read as follows: 25-4503. (a) The names of the candidates for nomination for president of the United States by a political party eligible to participate in a state primary election shall be printed on the official ballots for the presidential preference primary elections of their respective parties along with the choice of "none of the names shown." The ballots shall be marked, returned and canvassed in the same manner and under the same conditions, so far as the same are applicable, as in the case of the primary election of candidates for nomination for state offices.

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

OFFICIAL PRESIDENTIAL  
PREFERENCE 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, or darken the oval, to the left of the name of the person for whom you desire to vote. To vote for "none of the names shown" make a cross or check mark in the square, or darken the oval, to the left of such words.

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

(c) (1) As soon as possible after the candidate filing deadline, the

secretary of state shall certify to each county election officer the name of each person who is a candidate for nomination to be president of the United States of each party authorized to participate in the presidential preference primary election. The secretary of state shall publish, not less than ~~21~~ 31 days prior to the presidential preference primary, a notice in one newspaper in each county of the state where a newspaper is published, that the official list of candidates and the date of the election can be acquired in the office of the secretary of state or the office of the county election officer. *Such notice shall also be published on the secretary of state's website and on the website of each county election office.*

(2) *After such publication, the secretary of state shall certify the amount of moneys expended on such publication and shall transmit a copy of such certification to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amounts from the state general fund to the information services fee fund of the secretary of state and shall transmit a notification of such transfer to the director of legislative research and the director of the budget.*

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

(e) (1) *All such ballots that are received in the office of the county election officer or any polling place by the following times shall be delivered by the county election officer to the county board of canvassers for canvassing:*

(A) *For advance voting ballots transmitted in person, 12 noon on the day preceding such election; and*

(B) *for advance voting ballots transmitted by mail, the closing of the polls on the date of such election.*

(2) *An advance voting ballot shall not be counted if such ballot is received by the county election office or any polling place after the closing time of the polls on the date of such election.*

Sec. 7. K.S.A. 25-4505 is hereby amended to read as follows: 25-4505. (a) *Not later than eight days after a presidential preference primary election is held, the county board of canvassers of each county shall meet at the office of the county election officer, unless another place is agreed upon and announced as provided in K.S.A. 25-3105, and amendments thereto, at any time between 8:00 and 10:00 o'clock a.m. on the Friday following the day a presidential preference primary election is held and canvass the vote of such preference primary. The county election officer may move the canvass to the Monday next following the election if notice of such change is published prior to the canvass in a newspaper of general circulation within the county. Upon completion of such canvass, the county election officer of each county shall prepare an abstract of the vote of the presidential preference primary election in ~~his or her~~ such county as such vote is determined by the county board of canvassers and shall promptly transmit ~~the same~~ such abstract to the secretary of state no later than the tenth day after the day of the election. Each county election officer shall also post a copy of such abstract in a public place in the courthouse of ~~his or her~~ such county and on the website of such county election office.*

(b) *Every such transmittal shall be made by ~~first class mail or by a messenger~~ use of secure email transmission or other means approved by the secretary of state. If the secretary of state fails to receive the abstract of the canvass from any county within 14 days next after the election, ~~he or she~~ the secretary shall dispatch a special messenger to*



obtain a copy of ~~the same~~ *such abstract*, and the county election officer shall immediately, on demand of such messenger, make out and deliver to such messenger the copy required. ~~Thereupon,~~ The messenger shall deliver such copy to the secretary of state, and the secretary of state shall be reimbursed for the expenses of such messenger by such county.

Sec. 8. K.S.A. 25-4506 is hereby amended to read as follows: 25-4506. (a) *Except as provided in subsection (b)*, the state board of canvassers shall meet at the call of the secretary of state following a presidential preference primary election. The secretary of state shall present to the board a tabulation of the results of such election in each county. The state board of canvassers shall consider the tabulation and make such further inquiries of the secretary of state as it deems appropriate and upon the information presented by the secretary of state and such additional information as it deems appropriate to consider, determine the result of such election. Provisions of law relating to the canvass of the national and state general elections shall, as far as applicable, apply to the canvass and certification of presidential preference primary elections. As soon as such final canvass of the election is completed, the secretary of state shall publish in the Kansas register a certified statement of the candidates for president of each party and the number of votes each received *on a statewide basis and for each congressional district* as determined by the state board of canvassers. *Such report of the final canvass shall be published on the secretary of state's website.*

(b) *For any presidential preference primary election held in 2024, the state board of canvassers shall meet on or before April 12, 2024.*

Sec. 9. K.S.A. 25-4507 is hereby amended to read as follows: 25-4507. (a) Upon completion of the state canvass of the results of the presidential preference primary, the secretary of state shall certify to the state chairperson of each political party participating in the presidential preference primary the number of votes received by each candidate of that party and the number of votes for an uncommitted delegation received by that party.

(b) ~~Each political party shall then select as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party, according to K.S.A. 25-4506 and this section, and amendments thereto.~~

(c) ~~No later than 60 days following the presidential preference primary,~~ Delegates and alternates to a national party convention shall be selected by a party at its state convention, or as otherwise provided by party rules adopted by the committees of the political parties. The number of delegates and the number of alternates to a national party convention shall be determined according to party rules. Delegates and alternates to a national party convention shall be selected in the manner prescribed by party rules. The binding of delegates and alternates to a national party convention shall be determined by party rules. All such rules shall be filed with the secretary of state ~~no~~ not later than January 2, 1992, and ~~no~~ not later than January 2 every fourth year thereafter *and such rules shall be published on the secretary of state's website.*

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Sec. 10. K.S.A. 25-1122, 25-2311, 25-4501a, 25-4502, 25-4503, 25-4505, 25-4506 and 25-4507 and K.S.A. 2022 Supp. 25-3009 are hereby repealed.

Sec. 11. 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 House,  
and passed that body

\_\_\_\_\_  
HOUSE concurred in  
SENATE amendments \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*