

## HOUSE BILL No. 2494

By Committee on Elections and Governmental Organization

2-9

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9 AN ACT concerning dates of certain elections; amending K.S.A. 25-  
10 1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2102, 25-2107, 25-  
11 2108a, 25-2109, 25-2311 and 25-2502 and K.S.A. 2006 Supp. 25-1122  
12 and repealing the existing sections.  
13

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

15 Section 1. K.S.A. 25-1115 is hereby amended to read as follows: 25-  
16 1115. (a) “General election” means the election held on the Tuesday  
17 succeeding the first Monday in November of even-numbered years, the  
18 elections held for officers on the ~~first~~ *third* Tuesday in April, and in the  
19 case of special elections of any officers to fill vacancies, the election at  
20 which any such officer is finally elected.

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

27 Sec. 2. K.S.A. 2006 Supp. 25-1122 is hereby amended to read as  
28 follows: 25-1122. (a) Any registered voter may file with the county elec-  
29 tion officer where such person is a resident, or where such person is  
30 authorized by law to vote as a former precinct resident, an application for  
31 an advance voting ballot. The signed application shall be transmitted only  
32 to the county election officer by personal delivery, mail, facsimile or as  
33 otherwise provided by law.

34 (b) If the registered voter is applying for an advance voting ballot to  
35 be transmitted in person, and such voter is a first-time voter, such voter  
36 shall provide a form of valid identification such as a current and valid  
37 Kansas driver’s license, nondriver’s identification card, utility bill, bank  
38 statement, paycheck, government check or other government document  
39 containing the voter’s current name and address as indicated on the reg-  
40 istration book. Such voter shall not be required to provide identification  
41 if such voter has previously provided current and valid identification in  
42 the county where registered.

43 (c) If the registered voter is applying for an advance voting ballot to

1 be transmitted by mail, and such voter is a first-time voter, such voter  
2 shall provide on the application for an advance voting ballot the voter's  
3 current and valid Kansas driver's license number, nondriver's identifica-  
4 tion card number or the last four digits of the voter's social security num-  
5 ber, or shall provide with the application a copy of the voter's current and  
6 valid Kansas driver's license, nondriver's identification card, utility bill,  
7 bank statement, paycheck, government check or other government doc-  
8 ument containing the voter's current name and address as indicated on  
9 the registration book. Such voter shall not be required to provide identi-  
10 fication if such voter has previously provided current and valid identi-  
11 fication in the county where registered.

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

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

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

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

33 (3) For the primary election held five weeks preceding the ~~first~~ *third*  
34 Tuesday in April, between January 1 of the year of such election and the  
35 last business day of the week preceding such primary election.

36 (4) For the general election occurring on the ~~first~~ *third* Tuesday in  
37 April, between January 1 of the year of such election and the last business  
38 day of the week preceding such general election.

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

42 (6) For question submitted elections not occurring on the date of a  
43 primary or general election, between the time of the first published notice

1 thereof and the last business day of the week preceding such question  
2 submitted election, except that if the question submitted election is held  
3 on a day other than a Tuesday, the county election officer shall determine  
4 the final date for mailing of advance voting ballots, but such date shall  
5 not be more than three business days before such election.

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

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

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

15 (f) Unless an earlier date is designated by the county election office,  
16 applications for advance voting ballots transmitted to the voter in person  
17 in the office of the county election officer shall be filed on the Tuesday  
18 next preceding the election and on each subsequent business day until  
19 no later than 12:00 noon on the day preceding such election. If the county  
20 election officer so provides, applications for advance voting ballots trans-  
21 mitted to the voter in person in the office of the county election officer  
22 also may be filed on the Saturday preceding the election. Upon receipt  
23 of any such properly executed application, the county election officer shall  
24 deliver to the voter such ballots and instructions as are provided for in  
25 this act.

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

31 In any county having a population exceeding 250,000, the county elec-  
32 tion officer may designate places other than the central county election  
33 office as satellite advance voting sites. At any satellite advance voting site,  
34 a registered voter may obtain an application for advance voting ballots,  
35 such ballots and instructions shall be delivered to the voter in the same  
36 manner and subject to the same limitations as otherwise provided by this  
37 subsection.

38 (g) Any person having a permanent disability or an illness which has  
39 been diagnosed as a permanent illness is hereby authorized to make an  
40 application for permanent advance voting status. Applications for per-  
41 manent advance voting status shall be in the form and contain such in-  
42 formation as is required for application for advance voting ballots and also  
43 shall contain information which establishes the voter's right to permanent

1 advance voting status.

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

27 (i) If a person on the permanent advance voting list fails to vote in  
28 two consecutive general elections held on the Tuesday succeeding the  
29 first Monday in November of each even-numbered year, the county elec-  
30 tion officer may mail a notice to such voter. Such notice shall inform the  
31 voter that the voter's name will be removed from the permanent advance  
32 voting list unless the voter renews the application for permanent advance  
33 voting status within 30 days after the notice is mailed. If the voter fails to  
34 renew such application, the county election officer shall remove the  
35 voter's name from the permanent advance voting list. Failure to renew  
36 the application for permanent advance voting status shall not result in  
37 removal of the voter's name from the voter registration list.

38 (j) 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 who has re-  
43 registered.

- 1 (k) The secretary of state may adopt rules and regulations defining  
2 valid forms of identification.
- 3 Sec. 3. K.S.A. 25-2006 is hereby amended to read as follows: 25-  
4 2006. (a) “General election” means the election held for school officers  
5 on the first Tuesday in April in any odd-numbered year, and in the case  
6 of special elections of any school officers to fill vacancies, the election at  
7 which any such officer is finally elected.
- 8 (b) “Primary election” means the election held five weeks preceding  
9 the election on the first Tuesday in April, and any other preliminary elec-  
10 tion at which part of the candidates for special election to any school  
11 office are eliminated by the process of the election but at which no officer  
12 is finally elected.
- 13 Sec. 4. K.S.A. 25-2007 is hereby amended to read as follows: 25-  
14 2007. (a) “Question submitted election” means any election at which a  
15 special question is to be voted on by the electors of the state or a part of  
16 them.
- 17 (b) “County election officer” means:  
18 (1) The election commissioner of the home county of the school dis-  
19 trict if such county has an election commissioner,  
20 (2) the county clerk of the home county of the school district if the  
21 county does not have an election commissioner,  
22 (3) the county clerk (or the election commissioner if there is one) of  
23 the county in which all or the greater part of the population is located in  
24 the case of a nonunified school district. In the event that doubt exists  
25 concerning which public officer is the county election officer under this  
26 subpart, the secretary of state shall specify such officer and such speci-  
27 fication shall be conclusive.
- 28 (c) “Filing deadline” means the hour, date or time after which it is  
29 provided by law no person may become a candidate for election to public  
30 office; for school elections the filing deadline is 12:00 o’clock noon on ~~the~~  
31 ~~Tuesday which precedes by 10 weeks the first Tuesday in April~~ *January*  
32 *1* of any odd-numbered year.
- 33 Sec. 5. K.S.A. 25-2010 is hereby amended to read as follows: 25-  
34 2010. Election of board members and question submitted elections shall  
35 be conducted by the county election officer of the home county of the  
36 school district. Board member general elections shall be held on the ~~first~~  
37 *third* Tuesday in April of each odd-numbered year. If a primary election  
38 is required to be held, such primary election shall be held on the Tuesday  
39 preceding by five weeks the ~~first~~ *third* Tuesday in April of odd-numbered  
40 years.
- 41 Sec. 6. K.S.A. 25-2018 is hereby amended to read as follows: 25-  
42 2018. (a) Notices of board member elections and question submitted  
43 elections of a school district shall be made as provided in this section.

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

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

13 (d) Not less than six weeks prior to the ~~first~~ *third* Tuesday in April a  
14 notice of primary elections shall be published by the county election of-  
15 ficer in a newspaper having general circulation in the school district, if a  
16 primary election is required to be held. The publication shall be made  
17 one time and shall state (1) the name of the school district, (2) the date  
18 of the primary election, (3) the names of the candidates and the office or  
19 position for which each is a candidate, (4) the voting place or places and  
20 the area each voting place is to serve, (5) the times of opening and closing  
21 of the polls. Description of areas shall be in the terms determined by the  
22 county election officer.

23 (e) Not less than three days prior to the ~~first~~ *third* Tuesday in April  
24 a notice of the general election shall be published by the county election  
25 officer one time in a newspaper having general circulation in the school  
26 district. The notice shall state (1) the name of the school district, (2) the  
27 date of the general election, (3) the names of the candidates and the office  
28 or position for which each is a candidate, (4) the voting place or places  
29 and the area each voting place is to serve, (5) the time of opening and  
30 closing of polls. Description of areas shall be in such terms as may be  
31 determined by the county election officer.

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

41 Sec. 7. K.S.A. 25-2102 is hereby amended to read as follows: 25-  
42 2102. (a) "General election" means the election held on the Tuesday  
43 succeeding the first Monday in November of even-numbered years, the

1 elections held for officers on the ~~first~~ *third* Tuesday in April, and in the  
2 case of special elections of any officers to fill vacancies, the election at  
3 which any such officer is finally elected.

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

10 Sec. 8. K.S.A. 25-2107 is hereby amended to read as follows: 25-  
11 2107. The general election of city officers shall be held on the ~~first~~ *third*  
12 Tuesday in April. Except as otherwise provided by law or as provided by  
13 charter ordinance passed after April 30, 1968, pursuant to article 12,  
14 section 5, of the constitution of Kansas, every city shall have an election  
15 of city officers in odd-numbered years only, and the terms of city officers  
16 shall be two (2) years: *Provided, however,* That the provisions of this  
17 section shall not invalidate, repeal or otherwise affect any charter ordi-  
18 nance of any city of the third class having a population of not less than  
19 one thousand five hundred (1,500) nor more than two thousand (2,000)  
20 located in a county having a population of not less than fifty thousand  
21 (50,000) nor more than one hundred thousand (100,000), which ordi-  
22 nance had become effective prior to April 30, 1968.

23 Sec. 9. K.S.A. 25-2108a is hereby amended to read as follows: 25-  
24 2108a. (a) There shall be a primary election of city officers on the Tuesday  
25 preceding by five weeks the ~~first~~ *third* Tuesday in April of every year that  
26 such city has a city election, except as otherwise provided in subsection  
27 (b) of this section.

28 (b) No primary election of city officers shall be held unless by holding  
29 such primary one (1) or more persons will be eliminated as candidates  
30 for office. In the event there are not more than two (2) candidates for  
31 any one office, the names of the candidates for such office shall not appear  
32 on the primary election ballots, and there shall be no primary election for  
33 such office, but the names of such candidates shall be placed on the  
34 general city election ballot.

35 Sec. 10. K.S.A. 25-2109 is hereby amended to read as follows: 25-  
36 2109. The filing deadline for all city elections shall be 12:00 o'clock noon  
37 ~~of the Tuesday preceding by 10 weeks the first Tuesday in April on Jan-~~  
38 *uary 1.*

39 Sec. 11. K.S.A. 25-2311 is hereby amended to read as follows: 25-  
40 2311. (a) County election officers shall provide for the registration of  
41 voters at one or more places on all days except the following:

42 (1) Days when the main offices of the county government are closed  
43 for business, except as is otherwise provided by any county election officer

- 1 under the provisions of K.S.A. 25-2312 and amendments thereto;
- 2 (2) days when the main offices of the city government are closed for  
3 business, in the case of deputy county election officers who are city clerks  
4 except as is otherwise provided by any county election officer under the  
5 provisions of K.S.A. 25-2312 and amendments thereto;
- 6 (3) the 14 days preceding the day of primary and general state  
7 elections;
- 8 (4) the 14 days preceding the day of primary city and school elections,  
9 if either has a primary;
- 10 (5) the 14 days preceding each ~~first~~ *third* Tuesday in April of odd-  
11 numbered years, being the day of city and school general elections;
- 12 (6) the 14 days preceding the day of any election other than one  
13 specified in paragraphs (3), (4) and (5) of this subsection; and
- 14 (7) the day of any primary or general election or any question sub-  
15 mitted election.
- 16 (b) For the purposes of this section in counting days that registration  
17 books are to be closed, all of the days including Sunday and legal holidays  
18 shall be counted.
- 19 (c) The secretary of state shall notify every county election officer of  
20 the dates when registration shall be closed preceding primary and general  
21 state, city and school elections. The days so specified by the secretary of  
22 state shall be conclusive. Such notice shall be given by the secretary of  
23 state by mail at least 60 days preceding every primary and general state,  
24 city and school election.
- 25 (d) The last days before closing of registration books as directed by  
26 the secretary of state under subsection (c) of this section, county election  
27 officers shall provide for registration of voters during regular business  
28 hours, during the noon hours and at other than regular business hours  
29 upon such days as the county election officers deem necessary. The last  
30 three business days before closing of registration books prior to state  
31 primary and general elections, county election officers may provide for  
32 registration of voters until 9:00 p.m. in cities of the first and second class.
- 33 (e) County election officers shall accept and process applications re-  
34 ceived by voter registration agencies and the division of motor vehicles  
35 not later than the 15th day preceding the date of any election; mailed  
36 voter registration applications that are postmarked not later than the 15th  
37 day preceding the date of any election; or, if the postmark is illegible or  
38 missing, is received in the mail not later than the ninth day preceding the  
39 day of any election.
- 40 (f) The secretary of state may adopt rules and regulations interpreting  
41 the provisions of this section and specifying the days when registration  
42 shall be open, days when registration shall be closed, and days when it is  
43 optional with the county election officer for registration to be open or



1 closed.

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

7 Sec. 12. K.S.A. 25-2502 is hereby amended to read as follows: 25-  
8 2502. (a) “General election” means the election held on the Tuesday  
9 succeeding the first Monday in November of even-numbered years, the  
10 elections held for officers on the ~~first~~ *third* Tuesday in April, and in the  
11 case of special elections of any officers to fill vacancies, the election at  
12 which any such officer is finally elected.

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

19 Sec. 13. K.S.A. 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-  
20 2102, 25-2107, 25-2108a, 25-2109, 25-2311 and 25-2502 and K.S.A. 2006  
21 Supp. 25-1122 are hereby repealed.

22 Sec. 14. This act shall take effect and be in force from and after its  
23 publication in the statute book.