

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 101

As Amended by Senate Committee of the Whole

Brief*

SB 101 changes the date for the next Presidential Preference Primary (PPP) from 2004 to 2008, changes the date of the state primary election, and makes several other changes regarding the number of days or time frame permitted for taking certain actions dealing with nominations, canvasses, requesting ballots, and conventions.

The bill allows the county election officer to move the canvass of the PPP to the next Monday following the election if a notice is published prior to the canvass in a newspaper of general circulation within the county.

The Senate Committee of the Whole made the following amendments:

- ! Changes the primary election date from the first Tuesday in August to the first Tuesday following the fourth Monday in August.
- ! Sets the primary election date to coincide with redistricting in 2012.
- ! Changes the number of days from seven to three for withdrawal from nomination by a candidate after the final canvass of the primary election.
- ! Changes the number of days from 45 to 30 for request of a federal absentee ballot.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrld>

- ! Changes the date from September 1 to the fourth Tuesday following the primary election for the board of canvasser's meeting to conduct the final election canvass.
- ! Deletes the requirement for the Secretary of State to issue a certificate of a candidate's nomination on the fourth day after the canvass and retains the notification procedure of "as soon as practical."
- ! Changes the number of days from 21 to 10 including Saturday, Sunday, and holidays, after a vacancy has occurred, for a county chairperson to call a district convention to fill such vacancy. Also, changes the number of days from 10 to 7 days for notifying the county chairpersons in each county if more than one county lies within a district. If a quorum is not present, the number of days to reconvene a convention would change from 14 to 3.
- ! Changes the number of days from 21 to 10 including Saturday, Sunday, and holidays, for a county chairperson to convene a convention for a vacancy on the state board of education. If a quorum is not present, the number of days to reconvene a convention would change from 14 to 3.
- ! Deletes a current restriction that prevents a candidate who has filled a vacancy from withdrawing 40 days prior to a general election.

Background

SB 101, as introduced, was requested by the Secretary of State, who recommended conducting a PPP and encouraged the Legislature to appropriate funds for it. However, he said that he realized that, in a tight budget year, the state may not appropriate the \$1.75 million necessary for funding, thus the costs will have to be paid for by the counties. The Secretary of State therefore recommended the PPP be cancelled for 2004, and reinstated in 2008.

Moving the canvass would bring the PPP canvass into conformity with other election canvass statutes.

The fiscal note indicates that the \$1.75 million cost is not included in the Governor's budget recommendation for FY 2004, and the Secretary of State would have to request funding for 2004 if the PPP is to take place.