

SENATE BILL No. 336

By Committee on Federal and State Affairs

1-15

1 AN ACT concerning elections; providing for a presidential preference
2 primary election in 2028 and every four years thereafter; aligning the
3 special election date in March with the presidential preference primary
4 election date; amending K.S.A. 2025 Supp. 25-432, 25-1115, 25-2006,
5 25-2311, 25-2502, 25-4501a, 25-4505 and 25-4506 and repealing the
6 existing sections.
7

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

9 New Section 1. Nothing in article 45 of chapter 25 of the Kansas
10 Statutes Annotated, and amendments thereto, shall be construed to repeal,
11 modify or otherwise supersede any provision of state law or any rules and
12 regulations adopted pursuant thereto governing the conduct of any election
13 held on the same date as a presidential preference primary election.

14 Sec. 2. K.S.A. 2025 Supp. 25-432 is hereby amended to read as
15 follows: 25-432. An election shall not be conducted under this act unless:

16 (a) The secretary of state approves a written plan for conduct of the
17 election, including, but not limited to, a written timetable for the conduct
18 of the election, submitted by the county election officer;

19 (b) the election is nonpartisan;

20 (c) the election is not one at which any candidate is elected, retained
21 or recalled;

22 (d) the election is not held on the same date as another election in
23 which the qualified electors of that subdivision of government are eligible
24 to cast ballots, except *that* this restriction shall not apply to: (1) Mail ballot
25 elections held under K.S.A. 79-2925c, and amendments thereto;; or (2)
26 *except as provided in subsection (e)*, elections held on the first Tuesday
27 ~~after the first Monday~~ in March; ~~and~~

28 (e) *the election is not held on the same date as a presidential*
29 *preference primary election; and*

30 (f) the election is a question submitted election and all of the qualified
31 electors of one of the following subdivisions of government are the only
32 electors eligible to vote on such question:

33 (1) Counties;

34 (2) cities;

35 (3) school districts, except in an election held pursuant to K.S.A. 72-
36 635 et seq., and amendments thereto;

- 1 (4) townships;
- 2 (5) benefit districts organized under K.S.A. 31-301, and amendments
- 3 thereto;
- 4 (6) cemetery districts organized under K.S.A. 15-1013 or 17-1330,
- 5 and amendments thereto;
- 6 (7) community college districts organized under K.S.A. 71-1101 et
- 7 seq., and amendments thereto;
- 8 (8) fire districts organized under K.S.A. 19-3601 or 80-1512, and
- 9 amendments thereto;
- 10 (9) hospital districts;
- 11 (10) improvement districts organized under K.S.A. 19-2753, and
- 12 amendments thereto;
- 13 (11) Johnson county park and recreation district organized under
- 14 K.S.A. 19-2859, and amendments thereto;
- 15 (12) water districts organized under K.S.A. 19-3501 et seq., and
- 16 amendments thereto;
- 17 (13) transportation development districts created pursuant to K.S.A.
- 18 12-17,140 et seq., and amendments thereto; or
- 19 (14) any tract of land annexed pursuant to K.S.A. 12-521, and
- 20 amendments thereto.

21 Sec. 3. K.S.A. 2025 Supp. 25-1115 is hereby amended to read as
22 follows: 25-1115. (a) "General election" means the elections held on the
23 Tuesday following the first Monday in November of both even-numbered
24 and odd-numbered years; and, in the case of an election of any officers to
25 fill vacancies held on a date other than the Tuesday following the first
26 Monday in November, the election at which any such officer is finally
27 elected.

28 (b) "Primary election" means the elections held on the first Tuesday
29 in August of both even-numbered and odd-numbered years and any other
30 preliminary election held on a date other than the first Tuesday in August
31 at which part of the candidates for election to any national, state, county,
32 city, school or other municipal office are eliminated by the process of the
33 election but at which no officer is finally elected.

34 (c) "Special election" means any election held on the first Tuesday
35 ~~after the first Monday~~ in March of any year or on the same day as a
36 general or primary election.

37 Sec. 4. K.S.A. 2025 Supp. 25-2006 is hereby amended to read as
38 follows: 25-2006. As used in article 20 of chapter 25 of the Kansas
39 Statutes Annotated, and amendments thereto:

40 (a) "General election" means the election held for school officers on
41 the Tuesday following the first Monday in November of odd-numbered
42 years; and, in the case of special elections of any school officers to fill
43 vacancies, the election at which any such officer is finally elected.

1 (b) "Primary election" means the election held on the first Tuesday in
2 August of each odd-numbered year; and any other preliminary election at
3 which part of the candidates for special election to any school office are
4 eliminated by the process of the election but at which no officer is finally
5 elected.

6 (c) "Special election" means any election held on the first Tuesday
7 ~~after the first Monday~~ in March of any year or on the same day as a
8 general or primary election.

9 Sec. 5. K.S.A. 2025 Supp. 25-2311 is hereby amended to read as
10 follows: 25-2311. (a) County election officers shall provide for the
11 registration of voters at one or more places on all days except the
12 following:

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

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

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

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

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

26 ~~(6)~~(5) the day of any primary or general election or any question
27 submitted election.

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

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

36 (d) *During* the last days before closing of registration books as
37 directed by the secretary of state under subsection (c), county election
38 officers shall provide for registration of voters during regular business
39 hours, during the noon hours and at other than regular business hours upon
40 such days as the county election officers deem necessary. The last three
41 business days before closing of registration books prior to primary and
42 general elections, county election officers may provide for registration of
43 voters until 99:00 p.m. in any city.

1 ~~(e)-(1) Except as provided in paragraph (2),~~ County election officers
2 shall accept and process applications received by voter registration
3 agencies and the division of motor vehicles not later than the 21st day
4 preceding the date of any election or mailed voter registration applications
5 that are postmarked not later than the 21st day preceding the date of any
6 election except, if the postmark is illegible or missing, mailed voter
7 registration applications received in the mail not later than the ninth day
8 preceding the day of any election.

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

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

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

29 Sec. 6. K.S.A. 2025 Supp. 25-2502 is hereby amended to read as
30 follows: 25-2502. (a) "General election" means the elections held on the
31 Tuesday following the first Monday in November of both even-numbered
32 and odd-numbered years; and, in the case of an election of any officers to
33 fill vacancies held on a date other than the Tuesday following the first
34 Monday in November, the election at which any such officer is finally
35 elected.

36 (b) "Primary election" means the elections held on the first Tuesday
37 in August of both even-numbered and odd-numbered years and any other
38 preliminary election held on a date other than the first Tuesday in August
39 at which part of the candidates for election to any national, state, county,
40 township, city, school or other municipal office are eliminated by the
41 process of the election but at which no officer is finally elected.

42 (c) "Special election" means any election held on the first Tuesday
43 after the first Monday in March of any year or on the same day as a

1 general or primary election.

2 Sec. 7. K.S.A. 2025 Supp. 25-4501a is hereby amended to read as
3 follows: 25-4501a. (a) Except as otherwise provided, each political party
4 that is a recognized political party in accordance with K.S.A. 25-302a, and
5 amendments thereto, shall have procedures to select a presidential
6 nominee and shall select a presidential nominee in accordance with such
7 party procedures for the 2016 presidential election; and every fourth year
8 thereafter.

9 (b) (1) ~~On March 19, 2024 the first Tuesday in March in 2028 and the~~
10 ~~first Tuesday of every fourth year thereafter,~~ for each political party that is
11 a recognized political party in accordance with K.S.A. 25-302a, and
12 amendments thereto, there shall be held a presidential preference primary
13 election for the purpose of electing the preferred nominee of a political
14 party for the office of president and vice president. Except as otherwise
15 provided, the provisions of all applicable statutes concerning elections
16 shall apply to such election.

17 (2) The provisions of this subsection shall not apply to any political
18 party that is subject to K.S.A. 25-202(b), and amendments thereto, or that
19 has submitted written notice to the secretary of state on or before
20 December 1, ~~2023,~~ *of the year immediately preceding the year in which*
21 *the presidential preference primary election is to be held* that such political
22 party has elected to not participate in the presidential preference primary
23 election.

24 Sec. 8. K.S.A. 2025 Supp. 25-4505 is hereby amended to read as
25 follows: 25-4505. (a) Not later than ~~eight 13 days after following a~~
26 ~~presidential preference primary election is held,~~ the county board of
27 canvassers of each county shall meet at the office of the county election
28 officer, unless another place is agreed upon and announced as provided in
29 K.S.A. 25-3105, and amendments thereto, and canvass the vote of such
30 preference primary. The county election officer may move the canvass to
31 the Monday next following the election if notice of such change is
32 published prior to the canvass in a newspaper of general circulation within
33 the county. Upon completion of such canvass, the county election officer
34 of each county shall prepare an abstract of the vote of the presidential
35 preference primary election in such county as such vote is determined by
36 the county board of canvassers and shall promptly transmit such abstract to
37 the secretary of state ~~no not~~ later than the ~~tenth~~ 10th day after the day of the
38 election. Each county election officer shall also post a copy of such
39 abstract in a public place in the courthouse of such county and on the
40 website of such county election office.

41 (b) Every such transmittal shall be made by use of secure email
42 transmission or other means approved by the secretary of state. If the
43 secretary of state fails to receive the abstract of the canvass from any

1 county within 14 days next after the election, the secretary shall dispatch a
2 special messenger to obtain a copy of such abstract, and the county
3 election officer shall immediately, on demand of such messenger, make out
4 and deliver to such messenger the copy required. The messenger shall
5 deliver such copy to the secretary of state, and the secretary of state shall
6 be reimbursed for the expenses of such messenger by such county.

7 Sec. 9. K.S.A. 2025 Supp. 25-4506 is hereby amended to read as
8 follows: 25-4506. ~~(a) Except as provided in subsection (b),~~ The state board
9 of canvassers shall meet at the call of the secretary of state *not later than*
10 *24 days* following a presidential preference primary election. The secretary
11 of state shall present to the board a tabulation of the results of such
12 election in each county. The state board of canvassers shall consider the
13 tabulation and make such further inquiries of the secretary of state as it
14 deems appropriate and, upon the information presented by the secretary of
15 state and such additional information as it deems appropriate to consider,
16 determine the result of such election. Provisions of law relating to the
17 canvass of the national and state general elections shall, as far as
18 applicable, apply to the canvass and certification of presidential preference
19 primary elections. As soon as such final canvass of the election is
20 completed, the secretary of state shall publish in the Kansas register a
21 certified statement of the candidates for president of each party and the
22 number of votes each received on a statewide basis and for each
23 congressional district as determined by the state board of canvassers. Such
24 report of the final canvass shall be published on the secretary of state's
25 website.

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

28 Sec. 10. K.S.A. 2025 Supp. 25-432, 25-1115, 25-2006, 25-2311, 25-
29 2502, 25-4501a, 25-4505 and 25-4506 are hereby repealed.

30 Sec. 11. This act shall take effect and be in force from and after its
31 publication in the statute book.