

SENATE BILL No. 374

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning elections; relating to voter political party or voter
2 affiliation; allowing a voter to declare or change such voter's affiliation
3 the day of a primary election; amending K.S.A. 2023 Supp. 25-3301
4 and 25-3304 and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2023 Supp. 25-3301 is hereby amended to read as
8 follows: 25-3301. (a) Each registered voter of this state who has declared a
9 party affiliation as provided in this section or in K.S.A. 25-3304, and
10 amendments thereto, shall be entitled to vote at every partisan primary
11 election. Each political party entitled to nominate candidates by primary
12 election shall notify the secretary of state in writing on or before January
13 15 of any year in which a partisan general election is to be held whether
14 voters who are unaffiliated with such political party may vote in such
15 party's primary election.

16 (b) The county election officer shall prepare for each voting place at
17 each partisan primary election a party affiliation list, duly certified by such
18 officer, that clearly indicates the party affiliation of each registered voter in
19 the voting area who has declared a party affiliation. The registration book
20 prepared for a voting place pursuant to K.S.A. 25-2318, and amendments
21 thereto, may be used as such list, but no registration book prepared for use
22 at a voting place in an election other than a partisan primary election or an
23 election held at the same time as a partisan primary election shall indicate
24 in any manner the party affiliation of any voter. Such list shall be delivered
25 by the supervising judge to the voting place before the opening of the
26 polls.

27 (c) The party affiliation list provided for by subsection (b) shall be
28 used to determine the party affiliation of a voter offering to vote at a
29 partisan primary election and of a voter applying for an advance voting
30 ballot pursuant to K.S.A. 25-1122, and amendments thereto. If a voter's
31 party affiliation is not indicated on the party affiliation list *or if a voter*
32 *desires to change such voter's party affiliation on the day of a partisan*
33 *primary election*, such voter shall state the voter's party affiliation in
34 writing on a form prescribed by the secretary of state. A judge at the
35 precinct polling place, or the county election officer or such officer's
36 designee, shall give such voter a primary ballot of the voter's party

1 affiliation, and such person thereupon shall be entitled to vote. Such a
2 statement of party affiliation shall constitute a declaration of party
3 affiliation, and all such signed statements shall be returned to the county
4 election officer, who shall cause ~~them~~ *such signed statements* to be
5 recorded on the party affiliation list.

6 (d) Party affiliation statements shall be preserved for five years. The
7 county election officer may dispose of the statements in the manner
8 approved for destruction of ballots as provided in K.S.A. 25-2708, and
9 amendments thereto.

10 (e) The county election officer shall update party affiliation lists as
11 provided by rules and regulations of the secretary of state.

12 Sec. 2. K.S.A. 2023 Supp. 25-3304 is hereby amended to read as
13 follows: 25-3304. (a) Any person who has declared such person's party or
14 voter affiliation in the manner provided by law shall be listed on a voter
15 affiliation list as a member of a registered political organization, or on a
16 party affiliation list if a member of a recognized political party, unless the
17 person's name is removed as provided by K.S.A. 25-3303, and
18 amendments thereto, or unless the person changes party or voter affiliation
19 as provided in this section.

20 (b) Any person, who, having declared a party or voter affiliation,
21 desires to change ~~the same~~ *such party or voter affiliation*, may file a
22 written declaration with the county election officer, stating the change of
23 party or voter affiliation. Such declaration ~~cannot be filed during the time~~
24 ~~from the candidate filing deadline, as prescribed in K.S.A. 25-205, 25-305~~
25 ~~and 25-4004, and amendments thereto, through the time when the primary~~
26 ~~election results are certified by the secretary of state~~ *may be filed at any*
27 *time*. The county election officer shall enter a record of such change on the
28 party or voter affiliation list ~~of such preceding primary election~~ in the
29 proper column opposite the voter's name.

30 Sec. 3. K.S.A. 2023 Supp. 25-3301 and 25-3304 are hereby repealed.

31 Sec. 4. This act shall take effect and be in force from and after its
32 publication in the Kansas register.