

Elections—Presidential Preference Primary; Senate Sub. for HB 2053

Senate Sub. for HB 2053 amends election law to provide for a presidential preference primary to be held on March 19, 2024, and would establish voter registration and voting procedures for such election.

2024 Presidential Preference Primary Election

The bill requires, on March 19, 2024, each political party that is a recognized political party participating in primary elections in accordance with current law to hold a presidential preference primary election for the purpose of electing the preferred nominee of the political party for the office of President and Vice President of the United States. [Note: This requirement does not apply to any political party whose candidate for Governor did not poll at least 5.0 percent of the total vote cast for all candidates for Governor in the preceding general election.]

The bill authorizes any political party to submit written notice to the Secretary of State (Secretary) on or before December 1, 2023, that such political party has elected to not participate in the presidential preference primary election.

Candidate for a Political Party Nomination

The bill requires a candidate for a political party nomination for President of the United States to file the appropriate registration information with the Federal Election Commission (FEC) to become a candidate for President. The bill also requires a candidate for a political party's presidential nomination to file one of the following with the Secretary no later than 12:00 noon on the date that is 60 days prior to the date of the presidential preference primary:

- A declaration of intent to become a candidate filed by the candidate and accompanied by a fee of \$10,000 (replacing a \$100 fee in current law); or
- A petition in the form prescribed by continuing law, signed by not less than 5,000 registered electors, who are affiliated with the political party of such candidate as shown by the party affiliation list. The Secretary would determine the sufficiency of each petition, and the determination would be final.

The bill states all fees received by the Secretary pursuant to this section would be remitted to the State Treasurer and deposited in the State Treasury to the credit of the State General Fund (SGF).

Election Procedures

Advance Voting

The bill requires advance voting ballot applications to be filed between January 1 of the year in which a presidential preference primary election is held and 30 days prior to the day of such election.

The bill requires advance voting ballots for the presidential preference primary to be delivered to the county board of canvassers by:

- 12:00 noon on the day preceding the election for advance voting ballots transmitted in person; and
- The close of polls on the date of the election for advance voting ballots transmitted by mail.

An advance voting ballot will not be counted if not received by the county election officer or any polling place after the closing time of the polls on the date of the election.

Voter Registration

The bill requires county election officers to provide for the registration of voters at one or more places on all days except the 30 days preceding the day of any presidential preference primary election. [*Note:* Under continuing law, registration is also closed when main offices of county government are closed and 20 days preceding a primary, general, or other election.]

The bill also requires county election officers to accept and process applications received by voter registration agencies and the Division of Vehicles, Department of Revenue, no later than the 31st day preceding the date of the presidential preference primary election or mailed voter registration applications that are postmarked no later than the 31st day preceding the presidential preference primary election except, if the postmark is illegible or missing, mailed voter registration applications received in the mail no later than the 19th day preceding the day of such election would be accepted and processed.

Audit

The bill requires an audit to be performed manually and review all paper ballots after a presidential preference primary election and prior to the meeting of the county board of canvassers. [*Note:* The audit would be conducted in accordance with continuing law.]

Notice

The bill requires notice of the presidential preference primary election to be published on the Secretary's website and the website of each county election office no less than 31 days prior

to the presidential preference primary election. [Note: Continuing law requires the Secretary to publish notice in one newspaper in each county of the state where a newspaper is published.]

After publishing notice, the Secretary is required to certify the amount of moneys expended on publication and transmit a copy of the certification to the Director of Accounts and Reports. Upon receipt of certification, the Director of Accounts and Reports will transfer an amount of money equal to the certified amounts from the SGF to the Information Services Fee Fund of the Secretary and transmit a notification of the transfer to the Directors of the Budget and Legislative Research.

Board of Canvassers

The bill requires the county board of canvassers of each county to meet no later than eight days after a presidential preference primary election is held and canvass the vote of the preference primary. The county board of canvassers will prepare an abstract of the vote in such county and transmit the abstract to the Secretary by use of secure email transmission or other means approved by the Secretary no later than the tenth day after the day of the election.

The bill requires the Secretary to publish in the *Kansas Register* a certified statement of the candidates for President for 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. The Secretary will also be required to publish the report on the Secretary's website.

The bill requires the State Board of Canvassers to meet on or before April 12, 2024, for any presidential preference primary election held in 2024.

Political Party Rules and National Party Convention Delegates

The bill makes a conforming amendment to remove language referring to the selection of delegates for national party conventions.

The bill requires the party rules regarding selection of delegates and alternates to a national party convention be adopted by the committees of the political parties to be published on the Secretary's website.