

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2087

As Recommended by House Committee on
Elections

Brief*

HB 2087 would amend law regarding the selection of presidential electors, the day presidential electors meet and perform their required duties, and contests to the election of the presidential electors. This would update Kansas statute to reflect new federal law, the Electoral Count Reform and Presidential Transition Improvement Act (Electoral Count Act). The bill would also repeal statutes related to presidential electors and political parties that are no longer in current practice.

Selection of Presidential Electors (Sections 1, 2, and 4)

The bill would require recognized political parties to adopt procedures for the party's selection of presidential electors and select electors in accordance with such procedures. [Note: Current state law provides for presidential electors to be nominated in the same manner as candidates for office.]

The bill would also provide the procedures for certifying the names of presidential electors to the Secretary of State (Secretary):

- For a political party with a state organization, the names of the presidential electors would be certified to the Secretary by the chairperson of the state political party;

*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>

- For a political party that does not have a state organization, the names of the presidential electors would be certified to the Secretary by the chairperson of the national political party; and
- For an independent presidential candidate, the names of the presidential electors would be certified to the Secretary by the candidate.

The bill would require the names of the presidential electors to be certified to the Secretary by September 1st in a presidential election year. The Secretary would provide each elector a certificate on or before the first Wednesday in December.

Electoral College Meeting Day (Section 3)

The bill would change the day presidential electors convene at the state capital and perform their duties from the first Monday after the second Wednesday in December after their election to the first Tuesday after the second Wednesday in December after their election.

Contesting the Election of a Presidential Elector (Section 5)

The bill would require any contest to the election of presidential electors to be made in accordance with federal law (3 U.S.C. § 5).

Background

The bill was introduced by the House Committee on Elections at the request of a representative of the Secretary of State.

House Committee on Elections

In the House Committee hearing, a representative of the Secretary of State provided **proponent** testimony, stating the bill would make Kansas law consistent with the federal Electoral Count Act and provide clarity about selection of presidential electors from political parties without a state organization and independent candidates.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, both the Secretary of State and the Kansas Association of Counties indicate the bill would have no fiscal effect.

Elections; presidential electors; presidential election; political party; Secretary of State