

HOUSE BILL No. 2447

By Committee on Elections

Requested by Danedri Herbert on behalf of the Kansas Republican Party

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-

1 635 et seq., and amendments thereto;

2 (4) townships;

3 (5) benefit districts organized under K.S.A. 31-301, and amendments
4 thereto;

5 (6) cemetery districts organized under K.S.A. 15-1013 or 17-1330,
6 and amendments thereto;

7 (7) community college districts organized under K.S.A. 71-1101 et
8 seq., and amendments thereto;

9 (8) fire districts organized under K.S.A. 19-3601 or 80-1512, and
10 amendments thereto;

11 (9) hospital districts;

12 (10) improvement districts organized under K.S.A. 19-2753, and
13 amendments thereto;

14 (11) Johnson county park and recreation district organized under
15 K.S.A. 19-2859, and amendments thereto;

16 (12) water districts organized under K.S.A. 19-3501 et seq., and
17 amendments thereto;

18 (13) transportation development districts created pursuant to K.S.A.
19 12-17,140 et seq., and amendments thereto; or

20 (14) any tract of land annexed pursuant to K.S.A. 12-521, and
21 amendments thereto.

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

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

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

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

41 (a) "General election" means the election held for school officers on
42 the Tuesday following the first Monday in November of odd-numbered
43 years; and, in the case of special elections of any school officers to fill

1 vacancies, the election at which any such officer is finally elected.

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

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

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

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

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

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

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

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

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

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

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

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

1 voters until 99:00 p.m. in any city.

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

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

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

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

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

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

43 (c) "Special election" means any election held on the first Tuesday

1 ~~after the first Monday~~ in March of any year or on the same day as a
2 general or primary election.

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

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

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

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

42 (b) Every such transmittal shall be made by use of secure email
43 transmission or other means approved by the secretary of state. If the

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

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

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

29 Sec. 10. K.S.A. 2025 Supp. 25-432, 25-1115, 25-2006, 25-2311, 25-
30 2502, 25-4501a, 25-4505 and 25-4506 are hereby repealed.

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