

SENATE BILL No. 125

By Committee on Federal and State Affairs

2-2

1 AN ACT concerning elections; relating to the mail ballot election act;
2 authorizing mail ballot elections for proposed constitutional
3 amendments; amending K.S.A. 25-437 and K.S.A. 2020 Supp. 25-432
4 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2020 Supp. 25-432 is hereby amended to read as
8 follows: 25-432. An election shall not be conducted under this act unless:

9 (a) (1) Conducted on a date, mutually agreed upon by the governing
10 body of the political or taxing subdivision and the county election officer,
11 not later than 120 days following the date the request is submitted by the
12 political or taxing subdivision;

13 (b)(2) the secretary of state approves a written plan for conduct of the
14 election, which shall include a written timetable for the conduct of the
15 election, submitted by the county election officer;

16 (c)(3) the election is nonpartisan;

17 (d)(4) the election is not one at which any candidate is elected,
18 retained or recalled;

19 (e)(5) the election is not held on the same date as another election in
20 which the qualified electors of that subdivision of government are eligible
21 to cast ballots, except this restriction shall not apply to mail ballot
22 elections held under K.S.A. 79-2925c, and amendments thereto; and

23 (f)(6) the election is a question submitted election at which all of the
24 qualified electors of one of the following subdivisions of government are
25 the only electors eligible to vote:

26 (1)(A) Counties;

27 (2)(B) cities;

28 (3)(C) school districts, except in an election held pursuant to K.S.A.
29 72-635 et seq., and amendments thereto;

30 (4)(D) townships;

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

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

35 (7)(G) combined sewer districts organized under K.S.A. 19-27,169,
36 and amendments thereto;

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

3 ~~(9)~~(I) fire districts organized under K.S.A. 19-3601 or 80-1512, and
4 amendments thereto;

5 ~~(10)~~(J) hospital districts;

6 ~~(11)~~(K) improvement districts organized under K.S.A. 19-2753, and
7 amendments thereto;

8 ~~(12)~~(L) Johnson county park and recreation district organized under
9 K.S.A. 19-2859, and amendments thereto;

10 ~~(13)~~(M) sewage disposal districts organized under K.S.A. 19-27,140,
11 and amendments thereto;

12 ~~(14)~~(N) water districts organized under K.S.A. 19-3501 et seq., and
13 amendments thereto;

14 ~~(15)~~(O) transportation development districts created pursuant to
15 K.S.A. 2020 Supp. 12-17,140 et seq., and amendments thereto; or

16 ~~(16)~~(P) any tract of land annexed pursuant to K.S.A. 12-521, and
17 amendments thereto; or

18 (b) *the election is a proposition to amend the constitution of the state*
19 *of Kansas, and the concurrent resolution under which the amendment is*
20 *submitted directs the secretary to submit the proposed amendment to the*
21 *electors of this state at a special mail ballot election.*

22 Sec. 2. K.S.A. 25-437 is hereby amended to read as follows: 25-437.

23 (a) The county election officer of each county within the electoral district
24 shall appoint a special election board pursuant to the requirements of
25 K.S.A. 25-2801 to be composed of at least three members who shall make
26 the original canvass of all ballots cast in that county. For the purposes of
27 any canvass under this act, the electoral district within that county shall
28 constitute one voting area, and ballots shall not be sorted according to
29 precinct or ward. The abstract shall be prepared on a form prescribed by
30 the secretary of state. *This subsection shall not apply to any election on a*
31 *proposition to amend the constitution of the state of Kansas.*

32 (b) *For any election on a proposition to amend the constitution of the*
33 *state of Kansas conducted under this act, the election board of each*
34 *county shall make the original canvass of all ballots cast in that county*
35 *and prepare the abstracts in accordance with K.S.A. 25-3001 et seq., and*
36 *amendments thereto.*

37 Sec. 3. K.S.A. 25-437 and K.S.A. 2020 Supp. 25-432 are hereby
38 repealed.

39 Sec. 4. This act shall take effect and be in force from and after its
40 publication in the statute book.