

SENATE BILL No. 128

By Committee on Ethics and Elections

2-7

1 AN ACT concerning the presidential preference primary; amending
2 K.S.A. 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-4501 and
3 repealing the existing sections.
4

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

6 Section 1. K.S.A. 2010 Supp. 25-4501 is hereby amended to read as
7 follows: 25-4501. (a) Subject to the provisions of this section, there shall
8 be held a presidential preference primary election in the year ~~2012~~2016,
9 and every fourth year thereafter.

10 (b) On or before November 1, ~~2011~~2015, and on or before
11 November 1 every fourth year thereafter, the secretary of state shall
12 certify to the governor, to the chief clerk of the house of representatives
13 and to the secretary of the senate a common date in the next succeeding
14 year on which at least five other states will hold a presidential preference
15 primary election, a delegate or mass convention or a caucus of qualified
16 voters at which delegates to a national convention are selected. On or
17 before each such date, if the secretary of state determines that there is no
18 common date on which at least five states are conducting such a selection
19 process in the next succeeding year, the secretary of state shall certify to
20 the governor, the chief clerk of the house of representatives and the
21 secretary of the senate on a date, which shall be on or before the first
22 Tuesday in April of the next following year, on which the presidential
23 preference primary election shall be held.

24 (c) The date certified by the secretary of state pursuant to subsection
25 (b) shall be the date on which the presidential preference primary election
26 authorized by subsection (a) shall be held in the state of Kansas.

27 Sec. 2. K.S.A. 25-4502 is hereby amended to read as follows: 25-
28 4502. (a) Every registered elector who has declared such elector's party
29 affiliation with a political party eligible to participate in a state primary
30 election shall have the opportunity to vote one vote at a presidential
31 preference primary election for such elector's preference for one person to
32 be the candidate for nomination by such candidate's party for president of
33 the United States or for "none of the names shown." Any registered
34 elector who has not declared such candidate's party affiliation prior to the
35 election may make such a declaration at the polling place, and thereupon
36 shall be permitted likewise the opportunity to vote one vote at the

1 presidential preference primary. A vote for "none of the names shown"
 2 shall express the preference for an uncommitted delegation from Kansas
 3 to the national convention of that elector's party. Preference shall be
 4 indicated by marking with a cross or check mark inside a voting square
 5 *or a darkened oval* on the ballot at the left of the voter's choice, or by
 6 voting by using a voting machine.

7 (b) The name of any candidate for a political party nomination for
 8 president of the United States shall be printed on the ballots only if, not
 9 later than ~~twelve o'clock~~ 12 noon, ~~February 12~~ *prior to on the date which*
 10 *precedes by seven weeks the date of* the presidential preference primary
 11 or, if such date falls on Saturday, Sunday or a holiday, not later than
 12 ~~twelve o'clock~~ 12 noon the following day that is not a Saturday, Sunday or
 13 holiday:

14 (1) The candidate files with the secretary of state a declaration of
 15 intent to become a candidate accompanied by a fee of \$100; or

16 (2) there is filed in the office of secretary of state a petition in the
 17 form prescribed by K.S.A. 25-205, and amendments thereto, signed by
 18 not less than 1,000 registered electors, who are affiliated with the political
 19 party of such candidate as shown by the party affiliation list. The
 20 secretary of state shall determine the sufficiency of each such petition,
 21 and such determination shall be final.

22 Sec. 3. K.S.A. 25-4503 is hereby amended to read as follows: 25-
 23 4503. (a) The names of the candidates for nomination for president of the
 24 United States by a political party eligible to participate in a state primary
 25 election shall be printed on the official ballots for the presidential
 26 preference primary elections of their respective parties along with the
 27 choice of "none of the names shown." The ballots shall be marked,
 28 returned and canvassed in the same manner and under the same
 29 conditions, so far as the same are applicable, as in the case of the primary
 30 election of candidates for nomination for state offices.

31 (b) The official presidential preference primary election ballots shall
 32 be printed in a single column and shall have the following heading:

33 **OFFICIAL PRESIDENTIAL**
 34 **PREFERENCE PRIMARY**
 35 **ELECTION BALLOT**

36 _____ Party

37 To vote for a person whose name is printed on the ballot make a cross
 38 or check mark in the square, *or darken the oval*, to the left of the name of
 39 the person for whom you desire to vote. To vote for "none of the names
 40 shown" make a cross or check mark in the square to the left of such
 41 words.

42 This shall be followed by the names of the candidates for president of
 43 the United States of such party in the manner and order certified by the

1 secretary of state.

2 (c) As soon as possible after ~~February 12~~*the candidate filing*
3 *deadline*, the secretary of state shall certify to each county election officer
4 the name of each person who is a candidate for nomination to be
5 president of the United States of each party authorized to participate in
6 the presidential preference primary election. The secretary of state shall
7 publish, not less than 21 days prior to the presidential preference primary,
8 a notice in one newspaper in each county of the state where a newspaper
9 is published, that the official list of candidates and the date of the election
10 can be acquired in the office of the secretary of state or the office of the
11 county election officer.

12 (d) When a party participating in the presidential preference primary
13 election has more than one candidate, the secretary of state shall
14 determine by lot the order in which the candidates' names will appear on
15 the ballot. The order of names, as established by the secretary of state,
16 shall be uniform in each county throughout the state.

17 Sec. 4. K.S.A. 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-
18 4501 are hereby repealed.

19 Sec. 5. This act shall take effect and be in force from and after its
20 publication in the statute book.

21