

HOUSE BILL No. 2087

By Committee on Elections

1-19

1 AN ACT concerning elections; relating to selection of presidential
2 electors; directing political parties to have procedures for the selection
3 of presidential electors; amending K.S.A. 25-301, 25-801, 25-802, 25-
4 804 and 25-1435 and repealing the existing sections; also repealing
5 K.S.A. 25-803.
6

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

8 Section 1. K.S.A. 25-301 is hereby amended to read as follows: 25-
9 301. All nominations made by political parties shall be known and
10 designated as "party nominations," and the certificates by which such
11 nominations are certified shall be known and designated as "party
12 certificates of nomination." Party nominations of candidates for public
13 office can be made only by a delegate or mass convention, primary
14 election or caucus of qualified voters belonging to one political party
15 having a national or state organization. ~~Party nominations for presidential~~
16 ~~electors can be made only by a delegate or mass convention or caucus of~~
17 ~~qualified electors belonging to a political party having a national or state~~
18 ~~organization~~ *Each political party that is a recognized political party in*
19 *accordance with K.S.A. 25-302a, and amendments thereto, shall adopt*
20 *procedures to select presidential electors and select presidential electors*
21 *in accordance with such procedures.* Party nominations for governor and
22 lieutenant governor can be made only by a delegate or mass convention of
23 qualified electors belonging to a political party having a national or state
24 organization and any such political party must be one that is not permitted
25 to nominate its candidates by primary election, and such nominations shall
26 be made with the candidates being selected so that each convention vote
27 shall be made for a candidate for governor and a candidate for lieutenant
28 governor running together. Party nominations so made shall, subject to the
29 provisions of this act, be placed upon the official general ballot.

30 Sec. 2. K.S.A. 25-801 is hereby amended to read as follows: 25-801.
31 The secretary of state shall prepare a list of the names of the electors of
32 president and vice-president of the United States, elected at any election,
33 procure thereto the signature of the governor, affix the seal of the state to
34 the same, and deliver such certificate, thus signed, ~~to one of said electors~~
35 *each elector* on or before the first Wednesday in December, next after such
36 election.

1 Sec. 3. K.S.A. 25-802 is hereby amended to read as follows: 25-802.
2 The electors of president and vice-president of the United States shall
3 convene at the capital of the state on the first ~~Monday~~ *Tuesday* after the
4 second Wednesday in December after their election, at the hour of twelve
5 o'clock at noon of that day; ~~and~~. If there shall be any vacancy in the office
6 of electors, occasioned by death, refusal to act, neglect to attend; or other
7 cause, the electors present shall immediately proceed to fill, by ballot and
8 by a plurality of votes, such vacancy in the electoral college; ~~and~~. When
9 the electors shall appear, or the vacancies shall have been filled as above
10 provided, ~~they~~ *the electors* shall proceed to perform the duties required of
11 such electors by the constitution and laws of the United States.

12 Sec. 4. K.S.A. 25-804 is hereby amended to read as follows: 25-804.
13 ~~Presidential electors for presidential candidates shall be selected by the~~
14 ~~state committee of the political party of the candidates, if there is such a~~
15 ~~committee~~ *(a) Each political party that is a recognized political party in*
16 *accordance with K.S.A. 25-302a, and amendments thereto, shall adopt*
17 *procedures to select presidential electors and select presidential electors*
18 *in accordance with such procedures.*

19 ~~(b) (1) The names of the presidential electors so selected for a~~
20 ~~presidential candidate of a political party with a state organization shall~~
21 ~~be certified to the secretary of state by the chairperson of the committee~~
22 ~~state political party.~~

23 ~~(2) The names of presidential electors for presidential candidates of a~~
24 ~~political party that does not have a state organization shall be certified to~~
25 ~~the secretary of state by the chairperson of the national political party.~~

26 ~~(3) The names of presidential electors for independent presidential~~
27 ~~candidates shall be selected and certified to the secretary of state by such~~
28 ~~candidates the candidate. Presidential electors for presidential candidates~~
29 ~~of a political party which has no state committee may be selected and~~
30 ~~certified to the secretary of state by state party convention or by the~~
31 ~~national committee of such party.~~

32 ~~(c) All names of presidential electors shall be certified to the~~
33 ~~secretary of state on or before September 1 of the year in which there is a~~
34 ~~presidential election.~~

35 Sec. 5. K.S.A. 25-1435 is hereby amended to read as follows: 25-
36 1435. Any registered voter may contest the election of any person for
37 whom such voter had the right to vote, when such person is issued a
38 certificate of election to any state, county, township, city or school office,
39 except that the foregoing shall not apply to the election of persons to the
40 United States congress. Any registered voter may contest the
41 determination of the result of any question submitted election at which
42 such voter had the right to vote. *Any contest to the election of presidential*
43 *electors shall be made in accordance with the provisions of 3 U.S.C. § 5.*

1 Sec. 6. K.S.A. 25-301, 25-801, 25-802, 25-803, 25-804 and 25-1435
2 are hereby repealed.

3 Sec. 7. This act shall take effect and be in force from and after its
4 publication in the statute book.