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MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 15, 2023

Subject: SB 221 – Requiring affidavits of write-in candidacy for certain offices.

Senate Bill No. 221 (SB 221) would amend K.S.A. 25-305 to require affidavits of write-in candidacy for certain elected offices in addition to current statutory requirements. Under current law, any person who is a write-in candidate for the office of President, Vice-president, Governor, Lieutenant Governor, or for any other statewide elected office must submit an affidavit of write-in candidacy to the Secretary of State by 12:00 noon on the 2nd Monday preceding the general election for such office. If the candidate fails to submit an affidavit, then the board of canvassers is directed by K.S.A. 25-3002 to not count any write-in votes for such candidate.

SB 221 would expand the elected offices for which such affidavits would be required. Under the bill write-in candidates for the Kansas House of Representatives, the Kansas Senate, the Kansas State Board of Education, district judges and district magistrate judges, district attorneys, any county office, and any city office in cities of the first class would also have to submit an affidavit of write-in candidacy. The legislative and board of education candidates would submit their affidavits to the Secretary of State by 12:00 noon on the 2nd Monday preceding the general election for such office. The local office candidates would submit their affidavits to the appropriate county election officer 21 to 30 days prior to the general election.

SB 221 also amends K.S.A. 25-2903 such that if a voter writes in a candidate's name, the voter must also check the square by that write-in vote in order for the vote to be counted.

If enacted, SB 221 would become effective on July 1, 2023.