

Presidential elections occur every four years. The manner of selecting a president is different from how other candidates, such as members of congress and state officials, are selected. Below is information about the selection of presidential candidates.

Presidential candidates are selected by their party through a convention:

Unlike other elections, in which candidates file to be on the ballot, presidential and vice-presidential candidates are selected by their national party through a convention process. An individual is not a candidate until the individual is nominated by their party. Once the candidates have been selected, the national party certifies the name of the presidential and vice-presidential candidates to the state. The name of the candidates appears on the November general election ballot.

Filing deadlines for Individuals who want to be President and Vice President:

Unlike every other elected office, *there is no deadline* in Kansas law for when a national political party must certify to the Kansas Secretary of State its nominee for President and for Vice-President. For example, in 2020 Joseph Biden was certified as the Democratic candidate on August 20<sup>th</sup>, and Donald Trump was certified as the Republican candidate on September 2<sup>nd</sup>.

Independent candidates for president and vice president must submit their signature petitions the day before the August primary to provide adequate time to verify the signatures. KSA 25-305(b).

A person who wants presidential write-in votes for themselves to be counted must file an affidavit of write-in-candidacy four weeks before the November general election. KSA 25-305(d)

The Presidential Election is Different Because of Presidential Electors:

When a voter receives their ballot at the November general election, they will see that the names for the candidates for president/vice president are listed, along with the words “Electors for”. The voters do not vote for the presidential and vice presidential nominees, the Presidential Electors do, as set out in the US Constitution, Article II, Section I, clauses 1 and 4, KSA 25-2505(a); KSA 25-801

The state political parties select the individuals who will be candidates for presidential elector. KSA 25-301, KSA 25-304, KSA 25-804 Article II Section I of the US Constitution provides that each state shall appoint a number of electors equal to the number of that state’s US Senators and Representatives in Congress.

Each political party or independent candidate must certify their slate of six electors to the Kansas Secretary of State by September 1. KSA 25-804(c) September 1 is also the deadline for the State Board of Canvassers to meet and certify the winners of the August primary election. KSA 25-3205(a)

At the November general election, when the voter casts their ballot for a presidential and vice-presidential candidate, the voter is choosing the Presidential Electors who will in turn vote for that

presidential and vice-presidential candidate, although only the names of the presidential and vice-presidential candidates appear on the ballot. [KSA 25-616](#) [KSA 25-101\(a\)\(c\)](#) [KSA 25-616](#)

The slate of Presidential Electors whose candidate won in the state will vote for the President and Vice President on the first Tuesday after the second Wednesday in December. [KSA 25-802](#).

#### Filling a Vacancy that Occurs after Presidential or Vice-Presidential candidates are nominated.

A vacancy has happened twice since 1992.

After being nominated, a political party's candidate's withdrawal or death is addressed in [KSA 25-306b](#), which provides that if the vacancy occurs before September 1, the candidate's name will not appear on the ballot and the political party must provide a substitute candidate name.

If the vacancy occurs after September 1, the state will replace the candidate's name if possible subject to the needs for ballot preparation and that mail ballots are sent overseas and to the military 45 days before the general election (late September).

There are no replacements for independent presidential candidates.

Vacancies of Presidential Electors are filled by a plurality vote of the remaining electors on the day they meet to elect the President and Vice-President. [KSA 25-802](#)

If a vacancy for the Presidential or Vice-Presidential candidate occurs between the start of voting and the meeting of the electors, then the electors' vote on a substitute.

#### Can a presidential candidate be removed from the ballot?

Candidates can be removed from the ballot if they do not meet the eligibility for holding the office for which they are seeking. For the office of president, Article II, Sec. I of the US Constitution sets eligibility: "No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States."