

HOUSE BILL No. 2215

By Committee on Ethics and Elections

1-30

AN ACT concerning elections; relating to ballots; relating to county canvassers; relating to precinct persons; amending K.S.A. 25-205, 25-213, 25-413, 25-611, 25-616, 25-618, 25-3102 and 25-3801 and repealing the existing sections.

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

Section 1. K.S.A. 25-205 is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) ~~They shall have had filed in their behalf,~~ Not later than 12:00 noon, June 10, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions; ~~for such candidates have been filed as provided for in this act, except that in 1998, candidates for judge or district magistrate judge of the district court for positions created in 1998 in those judicial districts that have not approved the proposition of nonpartisan selection of judges of the district court shall have filed in their behalf, not later than 12:00 noon, July 1, 1998, nomination petitions, as provided for in this act, or (2) they shall have filed~~ not later than the time for filing nomination petitions, as above provided, ~~with the proper officer~~ a declaration of intention to become a candidate, accompanied by the fee required by law *is filed with the proper officer*. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

1				
2	Name of	Street Number	Name of	Date of
3	Signers	or Rural Route	City.	Signing.
4		(as registered).		

5 All nomination petitions shall have substantially the foregoing form,
6 written or printed at the top thereof. No signature shall be counted unless
7 it is upon a sheet having such written or printed form at the top thereof.

8 (c) Each signer of a nomination petition shall sign but one such pe-
9 tition for the same office, and shall declare that such person intends to
10 support the candidate therein named, and shall add to such person's sig-
11 nature and residence, if in a city, by street and number (if any); or, oth-
12 erwise by post-office address. No signature shall be counted unless the
13 place of residence of the signer is clearly indicated and the date of signing
14 given as herein required and if ditto marks are used to indicate address
15 they shall be continuous and clearly made. Such sheets shall not be cut
16 or pasted together.

17 (d) All signers of each separate nomination petition shall reside in the
18 same county and election district of the office sought. The affidavit de-
19 scribed in this paragraph of a qualified elector who resides in such county
20 and election district or of the candidate shall be appended to each petition
21 and shall contain, at the end of each set of documents carried by each
22 circulator, a verification, signed by the circulator or the candidate, to the
23 effect that such circulator or the candidate personally witnessed the sign-
24 ing of the petition by each person whose name appears thereon. The
25 person making such affidavit shall be duly registered to vote.

26 (e) Except as otherwise provided in subsection (g), nomination peti-
27 tions shall be signed:

28 (1) If for a state officer elected on a statewide basis or for the office
29 of United States senator, by voters equal in number to not less than 1%
30 of the total of the current voter registration of the party designated in the
31 state as compiled by the office of the secretary of state;

32 (2) If for a state or national officer elected on less than a statewide
33 basis, by voters equal in number to not less than 2% of the total of the
34 current voter registration of the party designated in such district as com-
35 piled by the office of the secretary of state, except that for the office of
36 district magistrate judge, by not less than 2% of the total of the current
37 voter registration of the party designated in the county in which such
38 office is to be filled as certified to the secretary of state in accordance
39 with K.S.A. 25-3302, and amendments thereto;

40 (3) If for a county office, by voters equal in number to not less than
41 3% of the total of the current voter registration of the party designated
42 in such district or county as compiled by the county election officer and
43 certified to the secretary of state in accordance with K.S.A. 25-3302, and

1 amendments thereto; and

2 (4) If for a township office, by voters equal in number to not less than
3 3% of the total of the current voter registration of the party designated
4 in such township as compiled by the county election officer and certified
5 to the secretary of state in accordance with K.S.A. 25-3302, and amend-
6 ments thereto.

7 (f) Subject to the requirements of K.S.A. 25-202, and amendments
8 thereto, any political organization filing nomination petitions for a major-
9 ity of the state or county offices, as provided in this act, shall have a
10 separate primary election ballot as a political party and, upon receipt of
11 such nomination petitions, the respective officers shall prepare a separate
12 state and county ballot for such new party in their respective counties or
13 districts thereof in the same manner as is provided for existing parties.

14 (g) ~~(1) In the year 1992, In any year in which districts are reappor-~~
15 ~~tioned for the offices of representative in the United States congress, sen-~~
16 ~~ator and representative in the legislature of the state of Kansas or member~~
17 ~~of the state board of education:~~

18 (1) If new boundary lines are defined and districts established in the
19 manner prescribed by law ~~on or after the effective date of this act and~~
20 ~~on or before May 10, 1992, for the offices of representative in the United~~
21 ~~States congress, senator and representative in the legislature of the state~~
22 ~~of Kansas, and member of the state board of education,~~ nomination pe-
23 titions for nomination to such offices shall be signed by voters equal in
24 number to not less than 1% of the total of the current voter registration
25 of the party designated in the district as compiled by the office of the
26 secretary of state.

27 (2) ~~In the year 1992,~~ If new boundary lines are defined and districts
28 established in the manner prescribed by law on or after May 11, ~~1992,~~
29 nomination petitions for nomination to the following offices shall be
30 signed by registered voters of the party designated in the district equal
31 in number to not less than the following:

- 32 (A) For the office of representative in the United States
- 33 congress 1,000 registered voters;
- 34 (B) for the office of member of the state board of
- 35 education 300 registered voters;
- 36 (C) for the office of state senator..... 75 registered voters; and
- 37 (D) for the office of state representative 25 registered voters.

38 (h) ~~(1) In the year 1992, In any year in which districts are reappor-~~
39 ~~tioned for the offices of representative in the United States congress, sen-~~
40 ~~ator and representative in the legislature of the state of Kansas or member~~
41 ~~of the state board of education:~~

42 (1) If new boundary lines are defined and districts established in the
43 manner prescribed by law ~~for the offices of representative in the United~~

1 ~~States congress, senator and representative in the legislature of the state~~
 2 ~~of Kansas, and member of the state board of education, on or before June~~
 3 ~~12, 1992 10~~, the deadline for filing nomination petitions and declarations
 4 of intention to become a candidate for such office, accompanied by the
 5 fee required by law, shall be *12:00 noon on June 24, 1992 or if such date*
 6 *falls on a Saturday, Sunday or a holiday, then before 12:00 noon of the*
 7 *next following day that is not a Saturday, Sunday or holiday.*

8 (2) ~~In the year 1992, If new boundary lines are defined and districts~~
 9 ~~established in the manner prescribed by law for the offices of represen-~~
 10 ~~tative in the United States congress, senator and representative in the~~
 11 ~~legislature of the state of Kansas, and member of the state board of ed-~~
 12 ~~ucation, on or after June 13, 1992 11~~, the deadline for filing nomination
 13 petitions and declarations of intention to become a candidate for such
 14 office, accompanied by the fee required by law, shall be *July 14, 1992*
 15 *12:00 noon on July 12, or if such date falls on a Saturday, Sunday or*
 16 *holiday, then before 12:00 noon of the next day that is not a Saturday,*
 17 *Sunday or holiday.*

18 Sec. 2. K.S.A. 25-213 is hereby amended to read as follows: 25-213.
 19 At all national and state primary elections, the national and state offices
 20 as specified for each in this section shall be printed upon the official
 21 primary election ballot for national and state offices and the county and
 22 township offices as specified for each in this section shall be printed upon
 23 the official primary election ballot for county and township offices. The
 24 official primary election ballots shall have the following heading:

25 **OFFICIAL PRIMARY ELECTION BALLOT**

26 _____ Party

27 To vote for a person whose name is printed on the ballot make a cross
 28 or check mark in the square at the left of the person's name. To vote for
 29 a person whose name is not printed on the ballot, write the person's name
 30 in the blank space, if any is provided, and make a cross or check mark in
 31 the square to the left.

32 The words national and state or the words county and township shall
 33 appear on the line preceding the part of the form shown above.

34 The form shown shall be followed by the names of the persons for
 35 whom nomination petitions or declarations have been filed according to
 36 law for political parties having primary elections, and for the national and
 37 state offices in the following order: United States senator, United States
 38 representative from _____ district, governor and lieutenant governor,
 39 secretary of state, attorney general, state treasurer, commissioner of in-
 40 surance, senator _____ district, representative _____ district, district
 41 judge _____ district, district magistrate judge _____ district, district
 42 attorney _____ judicial district, and member state board of education
 43 _____ district. For county and township offices the form shall be fol-

1 lowed by the names of persons for whom nomination petitions or decla-
2 rations have been filed according to law for political parties having pri-
3 mary elections in the following order: commissioner _____ district,
4 county clerk, treasurer, register of deeds, county attorney, sheriff, ~~sur-~~
5 ~~veyor~~, township trustee, township treasurer, township clerk. When any
6 office is not to be elected, it shall be omitted from the ballot. Other offices
7 to be elected but not listed, shall be inserted in the proper places. For
8 each office there shall be a statement of the number to vote for.

9 To the left of each name there shall be printed a square. Official pri-
10 mary election ballots may be printed in one or more columns. The names
11 certified by the secretary of state or county election officer shall be
12 printed on official primary election ballots and no others. In case there
13 are no nomination petitions or declarations on file for any particular of-
14 fice, the title to the office shall be printed on the ballot followed by a
15 blank line with a square, and such title, followed by a blank line, may be
16 printed in the list of candidates published in the official paper. No blank
17 line shall be printed following any office where there are nomination
18 petitions or declarations on file for the office except following the offices
19 of precinct committeeman and precinct committeewoman. Except as oth-
20 erwise provided in this section, no person's name shall be printed more
21 than once on either the official primary election ballot for national and
22 state offices or the official primary election ballot for county and township
23 offices. No name that is printed on the official primary election ballot as
24 a candidate of a political party shall be printed or written in as a candidate
25 for any office on the official primary election ballot of any other political
26 party. If a person is a candidate for the unexpired term for an office, the
27 person's name may be printed on the same ballot as a candidate for the
28 next regular term for such office. The name of any candidate on the ballot
29 may be printed on the same ballot as such candidate and also as a candi-
30 date for precinct committeeman or committeewoman. No name that is
31 printed on the official primary election ballot for national and state offices
32 shall be printed or written in elsewhere on such ballot or on the official
33 primary election ballot for county and township offices except for precinct
34 committeeman or committeewoman. No name that is printed on the of-
35 ficial primary election ballot for county and township offices shall be
36 printed or written in on the official primary election ballot for national
37 and state offices or elsewhere on such county and township ballot except
38 for precinct committeeman or committeewoman.

39 No person shall be elected to the office of precinct committeeman or
40 precinct committeewoman where no nomination petitions or declarations
41 have been filed, unless the person receives at least five write-in votes. As
42 a result of a primary election, no person shall receive the nomination and
43 no person's name shall be printed on the official general election ballot

1 when no nomination petitions or declarations were filed, unless the per-
 2 son receives votes equal in number to not less than 10% of the electors
 3 who voted for the office of secretary of state at the last preceding general
 4 election for such office in the state, county or district in which the office
 5 is sought, except that a candidate for township office may receive the
 6 nomination and have such person's name printed on the ballot where no
 7 nomination petitions or declarations have been filed if such candidate
 8 receives three or more write-in votes. No such person shall be required
 9 to obtain more than 5,000 votes.

10 Sec. 3. K.S.A. 25-413 is hereby amended to read as follows: 25-413.
 11 Whenever any person's vote shall be received after having ~~taken the oath~~
 12 ~~prescribed in K.S.A. 25-410~~ *subscribed the application for registration*
 13 *pursuant to subsection (b) of K.S.A. 25-409, and amendments thereto*, it
 14 shall be the duty of the clerks of the election to write on the poll books,
 15 at the end of such person's name, the word "Sworn"; and the ballot shall
 16 be numbered on the upper right hand corner to correspond with the
 17 person's name on the poll books.

18 Sec. 4. K.S.A. 25-611 is hereby amended to read as follows: 25-611.
 19 (a) The arrangement of offices on the official general ballot for national
 20 and state offices for those offices to be elected shall be in the following
 21 order: Names of candidates for the offices of president and vice-presi-
 22 dent, United States senator, United States representative _____ dis-
 23 trict, governor and lieutenant governor running together, secretary of
 24 state, attorney general, (and any other officers elected from the state as
 25 a whole), state senator _____ district, state representative _____
 26 district, district judge _____ district, district magistrate judge _____
 27 district, district attorney _____ judicial district, and state board of ed-
 28 ucation member _____ district.

29 (b) The arrangement of offices on the official general ballot for
 30 county and township offices for those offices to be elected shall be in the
 31 following order: Names of candidates for county commissioner _____
 32 district, county clerk, county treasurer, register of deeds, county attorney,
 33 sheriff, ~~county surveyor~~, township trustee, township treasurer, township
 34 clerk.

35 Sec. 5. K.S.A. 25-616 is hereby amended to read as follows: 25-616.
 36 The secretary of state shall prescribe the ballot format but the national
 37 offices part of the official general ballot for national and state offices shall
 38 be substantially in the form shown in this section and the state offices
 39 part of such ballot shall be substantially in the form shown in K.S.A. 25-
 40 617, and amendments thereto.

41 STATE OF KANSAS
 42 OFFICIAL GENERAL BALLOT
 43 National and State Offices

County of _____
November _____, ~~19~~_____
Year

NATIONAL OFFICES

To vote for presidential electors for candidates for president and vice-president make a cross or check mark in the square at the left of the names of the candidates. To vote for presidential electors to be selected by candidates for president and vice-president whose names are not printed on the ballot, write the persons' names in the appropriate blank spaces and make a cross or check mark in the square at the left of the names of the candidates.

FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT
JONESTERN AND DOE..... Republican

FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT
ROEHEAD AND RICHARDBY..... Democrat

FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT
JANEBRAND AND JOHNBERG..... Independent
Nominations

FOR PRESIDENTIAL ELECTORS FOR PRESIDENT
AND VICE-PRESIDENT _____ and _____

To vote for a person make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

FOR UNITED STATES SENATOR

Vote for One

- DAN BOBING, Brussell Republican
- ROBERTA SMITH, Salina Democrat
- _____

FOR UNITED STATES REPRESENTATIVE

_____ DISTRICT

Vote for One

- ELMER O'BRIEN, Wichita Democrat
- WM.T. MILLER, Maple City Republican
- _____

When any office is not to be elected, it shall be omitted from the ballot.

1 Sec. 6. K.S.A. 25-618 is hereby amended to read as follows: 25-618.
 2 The official general ballot for county and township offices may be separate
 3 from the official general ballot for national and state offices or may be
 4 combined with the official general ballot provided for in K.S.A. 25-601
 5 and amendments thereto. The secretary of state shall prescribe the ballot
 6 format but the ballot shall be substantially in the form shown in this
 7 section and K.S.A. 25-611, and amendments thereto.

8 STATE OF KANSAS
 9 OFFICIAL GENERAL BALLOT
 10 County and Township Offices
 11 County of _____, City (or Township) of _____
 12 November _____, ~~19~~ _____
 13 *year*

14 _____
 15 To vote for a person, make a cross or check mark in the square at the left of the person's
 16 name. To vote for a person whose name is not printed on the ballot, write the person's name
 17 in the blank space and make a cross or check mark in the square to the left.

18 _____
 19 FOR COUNTY COMMISSIONER
 20 _____ DISTRICT

21 **Vote for One**

- 22 _____
- 23 _____
- 24 _____

25 _____
 26 FOR COUNTY CLERK

27 **Vote for One**

- 28 _____
- 29 _____
- 30 _____

31 _____
 32 FOR COUNTY TREASURER

33 **Vote for One**

- 34 _____
- 35 _____
- 36 _____

37 _____
 38 And continuing in like manner for all county and township offices to
 39 be elected.

40 Sec. 7. K.S.A. 25-3102 is hereby amended to read as follows: 25-
 41 3102. In the event that a member of the county board of canvassers shall
 42 die, be absent, or from any casualty be prevented from serving on such
 43 board, the remaining members of the county board of canvassers shall

1 select an elector to serve on the county board of canvassers in ~~his~~ *such*
2 *member's* place. If more than one member of the county board of can-
3 vassers shall die, be absent, or from any casualty be prevented from serv-
4 ing on the county board of canvassers, the remaining member *or members*
5 of the board and the county election officer shall jointly select two ~~persons~~
6 *electors* to serve in their place. Functions and duties of the county election
7 officer may be performed by the deputy of the county election officer in
8 ~~his~~ *the absence of the county election officer.*

9 Sec. 8. K.S.A. 25-3801 is hereby amended to read as follows: 25-
10 3801. (a) At each primary election, the members of the party residing in
11 each precinct in each county of the state shall elect a man of their number
12 as precinct committeeman and a woman of their number as precinct
13 committeewoman. No person shall be eligible to be a candidate for or
14 hold the office of precinct committeeman or precinct committeewoman
15 of a party in any precinct unless such person actually lives, resides and
16 occupies a place of abode in such precinct, and is in all other respects a
17 qualified elector and is shown as a member of such party on the party
18 affiliation list, in the office of the county election officer. Except as pro-
19 vided in subsection (b), any vacancy occurring in the office of precinct
20 committeeman or committeewoman shall be promptly filled by appoint-
21 ment by the county chairperson, except that any vacancy which occurs
22 because the party had no candidate at such primary election shall not be
23 filled until the county central committee has elected or reelected its chair-
24 person ~~under K.S.A. 25-3802 and amendments thereto.~~ Not later than
25 three days after appointment of precinct committeemen and committee-
26 women, the county chairperson making the appointments shall notify the
27 county election officer of such appointments. The county election officer
28 shall make such appointments public immediately upon receipt thereof.
29 As used in this act, "primary election" means the statewide election held
30 in August of even-numbered years.

31 (b) When a convention is to be held under article 39 of chapter 25
32 of Kansas Statutes Annotated to fill a vacancy, no appointments shall be
33 made under subsection (a): (1) After the county chairperson has received
34 notice from the county election officer of a vacancy or a pending vacancy
35 in a county elected office; or (2) after the county chairperson in each
36 county, all or a part of which, is located within a legislative district has
37 received notice from the secretary of state of a vacancy or a pending
38 vacancy in a legislative office.

39 After the vacancy has been filled by a person elected at a convention
40 held under article 39 of chapter 25 of the Kansas Statutes Annotated, any
41 vacancy in the office of precinct committeeman or committeewoman shall
42 be filled as provided by subsection (a).

43 Sec. 9. K.S.A. 25-205, 25-213, 25-413, 25-611, 25-616, 25-618, 25-

1 3102 and 25-3801 are hereby repealed.

2 Sec. 10. This act shall take effect and be in force from and after its
3 publication in the statute book.

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