

HOUSE BILL No. 2838

By Committee on Ethics and Elections

2-12

AN ACT concerning elections; relating to primary elections; amending K.S.A. 25-210, 25-211, 25-212, 25-213a, 25-215 and 25-216 and K.S.A. 2001 Supp. 25-213 and repealing the existing sections; also repealing K.S.A. 25-3301.

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

Section 1. K.S.A. 25-210 is hereby amended to read as follows: 25-210. The official primary election ballot for national and state offices and the official primary election ballot for county and township offices ~~of each political party~~ shall be arranged on the ballot, printed, voted, and canvassed in the same manner ~~as is now or hereafter~~ provided by law for the arrangement, printing, voting, and canvassing of official general ballots for national and state offices and official general ballots for county and township offices, ~~except as otherwise provided by law.~~

Sec. 2. K.S.A. 25-211 is hereby amended to read as follows: 25-211. ~~The county election officer shall,~~ At least two ~~(2)~~ weeks before the primary election, *the county election officer shall* mail to each person whose name is to appear on the official ballot in such county, to the address given in such papers, a copy of the first issue of the county paper containing the names and addresses of those whose names will be printed on the national, state, county and township primary election ballots. ~~The chairman of each party shall,~~ On or before the ~~eleventh~~ *11th* day preceding such primary election, *the chairperson of each party may* suggest to the county election officer any changes that ~~he may consider~~ should be made in the ballot ~~applicable to his party, and if.~~ Upon examination, *if* the county election officer ~~shall find~~ *finds* any error or omission in ~~said~~ *such* ballot, ~~he~~ *the county election officer* shall correct the ballot and cause the same to be printed and distributed as required by law in the case of ballots for the national, state, county and township general election. The number of ballots ~~of each party~~ to be furnished to each precinct shall be adequate in the opinion of the county election officer.

Sec. 3. K.S.A. 25-212 is hereby amended to read as follows: 25-212. ~~In case~~ *If* there are nomination petitions or declarations of intention to become a candidate on file for more than one candidate or for more than one pair of candidates for governor and lieutenant governor, ~~of the same~~

1 ~~party for~~ any national or state office, the secretary of state shall divide the
2 state or appropriate part thereof, into as many divisions as there are names
3 to go on ~~such party~~ the ballot for that office. Such divisions shall be as
4 nearly equal in number of ~~members of such party~~ as is convenient without
5 dividing any one county. In making such division the secretary of state
6 shall take the alphabetical list of counties in regular order ~~until the sec-~~
7 ~~retary of state gets the required proportion of party members of such~~
8 ~~party based upon the party affiliation lists as shown by the certificates of~~
9 ~~the respective county election officers, and so on through the list of coun-~~
10 ~~ties until the secretary of state gets the proper proportion of party mem-~~
11 ~~bers registered voters in each division. The secretary of state shall also~~
12 ~~shall~~ take the alphabetical list of candidates or pairs of candidates in reg-
13 ular order and in certifying to the county election officer the list of names
14 for whom nomination petitions or declarations of intent to become a
15 candidate have been filed, shall place one name or pair of candidates at
16 the head of the list in the first division of counties, another in the second
17 division, and so on with all the candidates for any particular office, so that
18 every candidate or pair of candidates for any office shall be at the head
19 of the list in one division of the state and second in another division
20 thereof, and so forth. ~~When,~~ In the case of candidates for the office of
21 congressman, district judge, district magistrate judge, state senator, state
22 representative or state board of education member, the secretary of state
23 finds that the secretary of state cannot get a fair proportion of ~~party mem-~~
24 ~~bers registered voters~~ to give each candidate for congressman, district
25 judge, district magistrate judge, state senator, state representative or state
26 board of education member in any given district an equitable or fair op-
27 portunity to have the candidate's name first on the ballot in the respective
28 counties of the district, the secretary of state shall order the county elec-
29 tion officers in the various counties of the district to rotate the names of
30 the candidates for such district offices according to precinct. If voting
31 machines are used the arrangement of names of candidates or pair of
32 candidates for all offices on the voting machines shall be rotated *in the*
33 *same manner required by this section*, as near as may be *possible*, ac-
34 cording to precinct.

35 The arrangement of the names certified by the secretary of state shall
36 govern the county election officer in arranging the primary election ballot,
37 and the county election officer in preparing the ballot for such officer's
38 county shall follow the same arrangement as provided in this section for
39 the secretary of state, for the candidates nominated for county offices,
40 using the township and precincts of the county in making the division.

41 Sec. 4. K.S.A. 2001 Supp. 25-213 is hereby amended to read as fol-
42 lows: 25-213. (a) At all national and state primary elections, the national
43 and state offices ~~as specified for each~~ in this section shall be printed upon

1 the official primary election ballot for national and state offices and the
 2 county and township offices ~~as specified for each~~ in this section shall be
 3 printed upon the official primary election ballot for county and township
 4 offices. *Except as provided in K.S.A. 25-213a, and amendments thereto,*
 5 the official primary election ballots shall have the following heading:

6 **OFFICIAL PRIMARY ELECTION BALLOT**

7 _____ Party

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

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

15 (b) The form shown shall be followed by the names of the persons
 16 for whom nomination petitions or declarations have been filed according
 17 to law for political parties having primary elections, and for the national
 18 and state offices in the following order: United States senator, United
 19 States representative from _____ district, governor and lieutenant gov-
 20 ernor, secretary of state, attorney general, state treasurer, commissioner
 21 of insurance, senator _____ district, representative _____ district,
 22 district judge _____ district, district magistrate judge _____ district,
 23 district attorney _____ judicial district, and member state board of
 24 education _____ district. For county and township offices the form
 25 shall be followed by the names of persons for whom nomination petitions
 26 or declarations have been filed according to law for political parties having
 27 primary elections in the following order: commissioner _____ district,
 28 county clerk, treasurer, register of deeds, county attorney, sheriff, town-
 29 ship trustee, township treasurer, township clerk. When any office is not
 30 to be elected, it shall be omitted from the ballot. Other offices to be
 31 elected but not listed, shall be inserted in the proper places. For each
 32 office there shall be a statement of the number to vote for.

33 (c) To the left of each name there shall be printed a square. Official
 34 primary election ballots may be printed in one or more columns. The
 35 names certified by the secretary of state or county election officer shall
 36 be printed on official primary election ballots and no others. In case there
 37 are no nomination petitions or declarations on file for any particular of-
 38 fice, the title to the office shall be printed on the ballot followed by a
 39 blank line with a square, and such title, followed by a blank line, may be
 40 printed in the list of candidates published in the official paper. No blank
 41 line shall be printed following any office where there are nomination
 42 petitions or declarations on file for the office except following the offices
 43 of precinct committeeman and precinct committeewoman.

1 (d) Except as otherwise provided in ~~this section, no~~ subsection (e):

2 (1) No person's name shall be printed more than once on either the
3 official primary election ballot for national and state offices or the official
4 primary election ballot for county and township offices.

5 (2) No name that is printed on the official primary election ballot as
6 a candidate of a political party shall be printed or written in as a candidate
7 for any office on the official primary election ballot of any other political
8 party. ~~If a person is a candidate for the unexpired term for an office, the~~
9 ~~person's name may be printed on the same ballot as a candidate for the~~
10 ~~next regular term for such office. The name of any candidate on the ballot~~
11 ~~may be printed on the same ballot as such candidate and also as a can-~~
12 ~~didate for precinct committeeman or committeewoman.~~

13 (3) No name that is printed on the official primary election ballot for
14 national and state offices shall be printed or written in elsewhere on such
15 ballot or on the official primary election ballot for county and township
16 offices ~~except for precinct committeeman or committeewoman.~~

17 (4) No name that is printed on the official primary election ballot for
18 county and township offices shall be printed or written in on the official
19 primary election ballot for national and state offices or elsewhere on such
20 county and township ballot except for precinct committeeman or
21 committeewoman.

22 (e) *If a person is a candidate for the unexpired term for an office, the*
23 *person's name may be printed on the same ballot as a candidate for the*
24 *next regular term for such office. The name of any candidate on the ballot*
25 *may be printed on the same ballot as such candidate and also as a can-*
26 *didate for precinct committeeman or committeewoman.*

27 (f) No person shall be elected to the office of precinct committeeman
28 or precinct committeewoman where no nomination petitions or decla-
29 rations have been filed, unless the person receives at least five write-in
30 votes. As a result of a primary election, no person shall receive the nomi-
31 nation and no person's name shall be printed on the official general
32 election ballot when no nomination petitions or declarations were filed,
33 unless the person receives votes equal in number to not less than 10% of
34 the electors who voted for the office of secretary of state at the last pre-
35 ceding general election for such office in the state, county or district in
36 which the office is sought, ~~except that~~. A candidate for township office
37 may receive the nomination and have such person's name printed on the
38 ballot where no nomination petitions or declarations have been filed if
39 such candidate receives three or more write-in votes. No such person
40 shall be required to obtain more than 5,000 votes.

41 Sec. 5. K.S.A. 25-213a is hereby amended to read as follows: 25-
42 213a. ~~Notwithstanding any provision of K.S.A. 25-213 and amendments~~
43 ~~thereto~~, There shall be printed upon the official primary election ballots

1 the following heading (~~in lieu of the heading otherwise provided by law~~)
 2 when the governor and lieutenant governor are to be nominated:

3 OFFICIAL PRIMARY ELECTION BALLOT

4 _____ Party

5 "To vote for persons for governor and lieutenant governor whose
 6 names are printed on the ballot make a cross or check mark in the square
 7 to the left of the names of the persons running together for such offices.

8 "To vote for a person (except governor and lieutenant governor) whose
 9 name is printed on the ballot make a cross or check mark in the square
 10 to the left of the name of the person for whom you desire to vote. To
 11 vote for a person whose name is not printed on the ballot, write such
 12 person's name in the blank space provided for ~~the~~ *such* purpose and make
 13 a cross or check mark in the square to the left."

14 After the names of each office, there shall be a statement of the number
 15 of candidates to vote for, for the particular office; and for one pair of
 16 governor and lieutenant governor candidates running together. When the
 17 governor, lieutenant governor, secretary of state, attorney general, state
 18 treasurer and commissioner of insurance are not to be nominated, no
 19 reference to those offices shall appear on the ballot.

20 To the left of *the names of* governor and lieutenant governor running
 21 together, one square shall be printed ~~to the left of the names of each pair~~
 22 ~~running together. No blank lines shall be printed following the offices of~~
 23 ~~governor and lieutenant governor.~~

24 Sec. 6. K.S.A. 25-215 is hereby amended to read as follows: 25-215.

25 ~~(1)~~ (a) No person shall be entitled to vote at any national, state, county
 26 or township primary election unless ~~he or she~~ *such person* is a resident
 27 of the voting area, a citizen of the United States, at least ~~eighteen (18)~~ 18
 28 years of age; and duly registered *to vote*. ~~(2)~~

29 (b) The provisions ~~as to registration required by existing statutes, and~~
 30 ~~by any amendment now or hereafter made thereto, of law relating to~~
 31 *registration* shall apply to such primary elections.

32 (c) *Any registered voter who is otherwise qualified to vote at any*
 33 *primary election may vote for the candidate of the voter's choice for each*
 34 *office regardless of the political affiliation of the candidate or that of the*
 35 *voter. No person shall be required to make a declaration of political party*
 36 *affiliation prior to voting.*

37 Sec. 7. K.S.A. 25-216 is hereby amended to read as follows: 25-216.

38 The right of any person to vote at any national, state, county and township
 39 primary election may be challenged by any elector upon the same ground
 40 and ~~his~~ *such person's* right to vote be determined in the same manner as
 41 at a national, state, county and township general election, ~~except as oth-~~
 42 ~~erwise provided herein.~~

43 ~~If the person offering his vote be challenged as unqualified on the~~

ground that he is not a member of the party announced by himself, he shall make and subscribe an affidavit in the following form, which shall be presented to and retained by the election board, and returned by the supervising judge with the poll list:

STATE OF KANSAS, COUNTY OF _____, ss.

I, _____, do solemnly swear (or affirm) that I am more than eighteen years of age and am qualified to vote under and by virtue of the constitution and the laws of the state of Kansas, and I am an elector of this precinct and election district, that I now reside at _____ (insert street and number, if any) in this precinct, and am a member of and am affiliated with the _____ party, that I have not signed the petition of a member of any other party who is seeking a nomination at this primary election, and that I have not signed the nominating petition of an independent candidate for any office for which candidates are to be voted for at this primary election:

Subscribed and sworn to before me, this _____ day of _____, A.D. 19_____.

Judge of Election.

Sec. 8. K.S.A. 25-210, 25-211, 25-212, 25-213a, 25-215, 25-216 and 25-3301 and K.S.A. 2001 Supp. 25-213 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

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