

## HOUSE BILL No. 2342

By Representative Davis

2-12

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AN ACT concerning judges; relating to the election thereof; amending K.S.A. 25-202, 25-206, 25-212 and 25-3901 and K.S.A. 2002 Supp. 25-205 and 25-213 and repealing the existing sections.

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

New Section 1. (a) A person may become a candidate for election to the office of district court judge or district magistrate judge by either one of the methods provided in this subsection. Such person shall meet the requirements of K.S.A. 20-334, and amendments thereto.

(1) Any person who is an elector of the district may file a petition to be a candidate for district court judge or district magistrate judge. Any such person shall file with the secretary of state a petition for the candidacy of such person signed by not less than 200 electors residing in such district.

(2) Any person who is an elector of the district may become a candidate for district court judge or district magistrate judge by filing in the office of the secretary of state a declaration of intent to be such a candidate and payment of a filing fee in the amount of \$100.

(b) Any such petition or declaration of intent filed by a candidate to run in the primary election held in accordance with K.S.A. 25-203, and amendments thereto, shall be filed no 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.

New Sec. 2. (a) Elections of district court judges and district magistrate judges shall be nonpartisan and laws applicable only to partisan elections shall not apply in such elections. All laws applicable to elections, the violation of which is a crime, shall be applicable to elections of district court judges and district magistrate judges.

(b) Except as is provided in subsection (a), laws applicable to elections of state officers shall apply to elections of district court judges and district magistrate judges to the extent that the same are not in conflict with the provisions of this act.

New Sec. 3. (a) No primary election for district court judge or district magistrate judge shall be held unless by holding such primary one or more

1 persons will be eliminated as candidates for such office. In the event there  
2 are not more than two candidates for any one office, the names of the  
3 candidates for such office shall not appear on the primary election ballots,  
4 and there shall be no primary election for such office, but the names of  
5 such candidates shall be placed on the general election ballot.

6 (b) The names of the two candidates receiving the greatest number  
7 of votes for the office of district court judge or district magistrate judge  
8 at the primary election shall appear on the ballots in the general election.

9 (c) On the ballots at the general election, blank lines for the names  
10 of write-in candidates shall be printed at the end of the list of candidates  
11 for office. The purpose of such blank lines shall be to permit the voter to  
12 insert the name of any person not printed on the ballot for whom such  
13 voter desires to vote for such office. No blank lines for write-in candidates  
14 shall appear on primary election ballots.

15 New Sec. 4. The names of candidates appearing on the ballots in  
16 primary and general elections for district court judge or district magistrate  
17 judge shall be listed in the various possible orders in rotation.

18 Sec. 5. K.S.A. 25-202 is hereby amended to read as follows: 25-202.

19 (a) Except as otherwise provided in subsection (b) all candidates for na-  
20 tional, state, county and township offices shall be nominated by: (1) A  
21 primary election held in accordance with article 2 of chapter 25 of the  
22 Kansas Statutes Annotated and amendments thereto; or (2) independent  
23 nomination petitions signed and filed as provided by existing statutes.

24 (b) Candidates for any of such offices who are members of any po-  
25 litical party whose candidate for governor did not poll at least 5% of the  
26 total vote cast for all candidates for governor in the preceding general  
27 election shall not be entitled to nomination by primary election but shall  
28 be nominated by a delegate or mass convention according to article 3 of  
29 chapter 25 of the Kansas Statutes Annotated and amendments thereto.

30 (c) No candidate for any national, state, county or township office  
31 shall file for office as a partisan candidate in a primary election and also  
32 file for office as an independent candidate for any national, state, county  
33 or township office in the general election immediately following.

34 (d) The provisions of article 2 of chapter 25 of the Kansas Statutes  
35 Annotated and amendments thereto shall not apply to the justices of the  
36 supreme court ~~or, to judges of the district court in judicial districts which~~  
37 ~~have approved the proposition of nonpartisan selection of district court~~  
38 ~~judges, as provided in K.S.A. 20-2001 and amendments thereto, nor, dis-~~  
39 ~~trict magistrate judges or to special elections to fill vacancies.~~

40 Sec. 6. K.S.A. 2002 Supp. 25-205 is hereby amended to read as fol-  
41 lows: 25-205. (a) Except as otherwise provided in this section, the names  
42 of candidates for national, state, county and township offices shall be  
43 printed upon the official primary ballot when each shall have qualified to

1 become a candidate by one of the following methods and none other: (1)  
 2 They shall have had filed in their behalf, not later than 12:00 noon, June  
 3 10, prior to such primary election, or if such date falls on Saturday, Sunday  
 4 or a holiday, then before 12:00 noon of the next following day that is not  
 5 a Saturday, Sunday or a holiday, nomination petitions, as provided for in  
 6 this act, ~~except that in 1998, candidates for judge or district magistrate~~  
 7 ~~judge of the district court for positions created in 1998 in those judicial~~  
 8 ~~districts that have not approved the proposition of nonpartisan selection~~  
 9 ~~of judges of the district court shall have filed in their behalf, not later~~  
 10 ~~than 12:00 noon, July 1, 1998, nomination petitions, as provided for in~~  
 11 ~~this act;~~ or (2) they shall have filed not later than the time for filing  
 12 nomination petitions, as above provided, with the proper officer a dec-  
 13 laration of intention to become a candidate, accompanied by the fee re-  
 14 quired by law. Such declaration shall be prescribed by the secretary of  
 15 state.

16 (b) Nomination petitions shall be in substantially the following form:  
 17 I, the undersigned, an elector of the county of \_\_\_\_\_, and state of Kansas, and  
 18 a duly registered voter, and a member of \_\_\_\_\_ party, hereby nominate \_\_\_\_\_,  
 19 who resides in the township of \_\_\_\_\_ (or at number \_\_\_\_\_ on \_\_\_\_\_  
 20 street, city of \_\_\_\_\_), in the county of \_\_\_\_\_ and state of Kansas, as a  
 21 candidate for the office of (here specify the office) \_\_\_\_\_, to be voted for at the  
 22 primary election to be held on the first Tuesday in August in \_\_\_\_\_, as representing  
 23 the principles of such party; and I further declare that I intend to support the candidate  
 24 herein named and that I have not signed and will not sign any nomination petition for any  
 25 other person, for such office at such primary election.

26 (HEADING)

27 Name of	Street Number	Name of	Date of
28 Signers.	or Rural Route	City.	Signing.
29	(as registered).		

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

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

42 (d) All signers of each separate nomination petition shall reside in the  
 43 same county and election district of the office sought. The affidavit de-

1 scribed in this paragraph of a petition circulator who is a resident of the  
2 state of Kansas and has the qualifications of an elector in the state of  
3 Kansas or of the candidate shall be appended to each petition and shall  
4 contain, at the end of each set of documents carried by each circulator,  
5 a verification, signed by the circulator or the candidate, to the effect that  
6 such circulator or the candidate personally witnessed the signing of the  
7 petition by each person whose name appears thereon.

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

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

14 (2) If for a state or national officer elected on less than a statewide  
15 basis, by voters equal in number to not less than 2% of the total of the  
16 current voter registration of the party designated in such district as com-  
17 piled by the office of the secretary of state, ~~except that for the office of~~  
18 ~~district magistrate judge, by not less than 2% of the total of the current~~  
19 ~~voter registration of the party designated in the county in which such~~  
20 ~~office is to be filled as certified to the secretary of state in accordance~~  
21 ~~with K.S.A. 25-3302, and amendments thereto;~~

22 (3) If for a county office, by voters equal in number to not less than  
23 3% of the total of the current voter registration of the party designated  
24 in such district or county as compiled by the county election officer and  
25 certified to the secretary of state in accordance with K.S.A. 25-3302, and  
26 amendments thereto; and

27 (4) If for a township office, by voters equal in number to not less than  
28 3% of the total of the current voter registration of the party designated  
29 in such township as compiled by the county election officer and certified  
30 to the secretary of state in accordance with K.S.A. 25-3302, and amend-  
31 ments thereto.

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

39 (g) In any year in which districts are reapportioned for the offices of  
40 representative in the United States congress, senator and representative  
41 in the legislature of the state of Kansas or member of the state board of  
42 education:

43 (1) If new boundary lines are defined and districts established in the

1 manner prescribed by law on or before May 10, nomination petitions for  
2 nomination to such offices shall be signed by voters equal in number to  
3 not less than 1% of the total of the current voter registration of the party  
4 designated in the district as compiled by the office of the secretary of  
5 state.

6 (2) If new boundary lines are defined and districts established in the  
7 manner prescribed by law on or after May 11, nomination petitions for  
8 nomination to the following offices shall be signed by registered voters  
9 of the party designated in the district equal in number to not less than  
10 the following:

- 11 (A) For the office of representative in the United States  
12 congress ..... 1,000 registered voters;
- 13 (B) for the office of member of the state board of edu-  
14 cation ..... 300 registered voters;
- 15 (C) for the office of state senator ..... 75 registered voters; and
- 16 (D) for the office of state representative ..... 25 registered voters.

17 (h) In any year in which districts are reapportioned for the offices of  
18 representative in the United States congress, senator and representative  
19 in the legislature of the state of Kansas or member of the state board of  
20 education:

21 (1) If new boundary lines are defined and districts established in the  
22 manner prescribed by law on or before June 10, the deadline for filing  
23 nomination petitions and declarations of intention to become a candidate  
24 for such office, accompanied by the fee required by law, shall be 12:00  
25 noon on June 24, or if such date falls on a Saturday, Sunday or a holiday,  
26 then before 12:00 noon of the next following day that is not a Saturday,  
27 Sunday or holiday.

28 (2) If new boundary lines are defined and districts established in the  
29 manner prescribed by law on or after June 11, the deadline for filing  
30 nomination petitions and declarations of intention to become a candidate  
31 for such office, accompanied by the fee required by law, shall be 12:00  
32 noon on July 12, or if such date falls on a Saturday, Sunday or holiday,  
33 then before 12:00 noon of the next day that is not a Saturday, Sunday or  
34 holiday.

35 Sec. 7. K.S.A. 25-206 is hereby amended to read as follows: 25-206.  
36 ~~(a) Except as provided in subsection (b),~~ When a candidate in lieu of  
37 nomination petitions files a declaration of intention to become a candidate  
38 for any national, state, county or township office, the accompanying fee  
39 shall be in an amount as follows: For the office of United States senator,  
40 United States representative from any district or at large, all state offices,  
41 and all county offices, where the salary is over \$1,000 per year, a sum  
42 equal to 1% of one year's salary as determined by the secretary of state  
43 for state and national offices, and as determined by the county election

1 officer for county offices. For all county offices where the salary is \$1,000  
2 or less, a fee of \$5; for a state senator, \$75; for representatives, \$50; for  
3 all township offices, \$1. Nothing in this act shall be construed as requiring  
4 any fee of a candidate filing a declaration of intention to become a candi-  
5 date for precinct committeeman or precinct committeewoman. The of-  
6 ficer receiving the funds shall turn them over to the state treasurer, if  
7 deposited with the secretary of state, or to the county treasurer, if de-  
8 posited with the county election officer, and the funds shall become a  
9 part of the general fund of the respective government.

10 Such declaration shall be prescribed by the secretary of state and shall  
11 be attested before a county election officer or deputy county election  
12 officer in the case of county and township offices, and before a county  
13 election officer, the secretary of state or a deputy of one of such officers  
14 in the case of state and national offices, and a notary public in the case  
15 of precinct committeemen and committeewomen.

16 ~~(b) When a candidate for the office of district magistrate judge, in  
17 lieu of nomination petitions, files a declaration of intention to become a  
18 candidate for such office, the declaration shall be in the same form and  
19 subject to the same method of attestation as provided for other state  
20 officers in subsection (a) and the required fee to accompany the decla-  
21 ration shall be \$100.~~

22 Sec. 8. K.S.A. 25-212 is hereby amended to read as follows: 25-212.  
23 In case there are nomination petitions or declarations of intention to  
24 become a candidate on file for more than one candidate or for more than  
25 one pair of candidates for governor and lieutenant governor, of the same  
26 party for any national or state office, the secretary of state shall divide the  
27 state or appropriate part thereof, into as many divisions as there are names  
28 to go on such party ballot for that office. Such divisions shall be as nearly  
29 equal in number of members of such party as is convenient without di-  
30 viding any one county. In making such division the secretary of state shall  
31 take the alphabetical list of counties in regular order until the secretary  
32 of state gets the required proportion of party members of such party  
33 based upon the party affiliation lists as shown by the certificates of the  
34 respective county election officers, and so on through the list of counties  
35 until the secretary of state gets the proper proportion of party members  
36 in each division. The secretary of state shall also take the alphabetical list  
37 of candidates or pairs of candidates in regular order and in certifying to  
38 the county election officer the list of names for whom nomination peti-  
39 tions or declarations of intent to become a candidate have been filed,  
40 shall place one name or pair of candidates at the head of the list in the  
41 first division of counties, another in the second division, and so on with  
42 all the candidates for any particular office, so that every candidate or pair  
43 of candidates for any office shall be at the head of the list in one division

1 of the state and second in another division thereof, and so forth. When,  
 2 in the case of candidates for the office of congressman, ~~district judge,~~  
 3 ~~district magistrate judge,~~ state senator, state representative or state board  
 4 of education member, the secretary of state finds that the secretary of  
 5 state cannot get a fair proportion of party members to give each candidate  
 6 for congressman, ~~district judge, district magistrate judge,~~ state senator,  
 7 state representative or state board of education member in any given  
 8 district an equitable or fair opportunity to have the candidate's name first  
 9 on the ballot in the respective counties of the district, the secretary of  
 10 state shall order the county election officers in the various counties of the  
 11 district to rotate the names of the candidates for such district offices  
 12 according to precinct. If voting machines are used the arrangement of  
 13 names of candidates or pair of candidates for all offices on the voting  
 14 machines shall be rotated, as near as may be, according to precinct.

15 The arrangement of the names certified by the secretary of state shall  
 16 govern the county election officer in arranging the primary election ballot,  
 17 and the county election officer in preparing the ballot for such officer's  
 18 county shall follow the same arrangement as provided in this section for  
 19 the secretary of state, for the candidates nominated for county offices,  
 20 using the township and precincts of the county in making the division.

21 Sec. 9. K.S.A. 2002 Supp. 25-213 is hereby amended to read as fol-  
 22 lows: 25-213. At all national and state primary elections, the national and  
 23 state offices as specified for each in this section shall be printed upon the  
 24 official primary election ballot for national and state offices and the county  
 25 and township offices as specified for each in this section shall be printed  
 26 upon the official primary election ballot for county and township offices.  
 27 The official primary election ballots shall have the following heading:

28 **OFFICIAL PRIMARY ELECTION BALLOT**

29 \_\_\_\_\_ Party

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

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

37 The form shown shall be followed by the names of the persons for  
 38 whom nomination petitions or declarations have been filed according to  
 39 law for political parties having primary elections, and for the national and  
 40 state offices in the following order: United States senator, United States  
 41 representative from \_\_\_\_\_ district, governor and lieutenant governor, sec-  
 42 retary of state, attorney general, state treasurer, commissioner of insur-  
 43 ance, senator \_\_\_\_\_ district, representative \_\_\_\_\_ district, ~~district judge~~

1 ~~\_\_\_\_\_ district, district magistrate judge \_\_\_\_\_ district, district attorney~~  
2 ~~\_\_\_\_\_ judicial district, and member state board of education \_\_\_\_\_ dis-~~  
3 ~~trict.~~ For county and township offices the form shall be followed by the  
4 names of persons for whom nomination petitions or declarations have  
5 been filed according to law for political parties having primary elections  
6 in the following order: commissioner \_\_\_\_\_ district, county clerk, trea-  
7 surer, register of deeds, county attorney, sheriff, township trustee, town-  
8 ship treasurer, township clerk. When any office is not to be elected, it  
9 shall be omitted from the ballot. Other offices to be elected but not listed,  
10 shall be inserted in the proper places. For each office there shall be a  
11 statement of the number to vote for.

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

42 No person shall be elected to the office of precinct committeeman or  
43 precinct committeewoman where no nomination petitions or declarations



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

13 Sec. 10. K.S.A. 25-3901 is hereby amended to read as follows: 25-  
14 3901. As used in this act, unless the context otherwise requires, the words  
15 and terms defined in article 25 of chapter 25 of Kansas Statutes Annotated  
16 shall have the meaning therein ascribed thereto, to the extent that the  
17 same are not in conflict with the following:

18 (a) "District office" means the office of ~~district judge, district mag-~~  
19 ~~istrate judge,~~ county commissioner, state representative, state senator,  
20 district attorney or county attorney.

21 (b) "Party" means a political party having a state and national organ-  
22 ization and of which the officer or candidate whose position has become  
23 vacant was a member.

24 (c) "Party candidacy" means a candidate of a political party for a party  
25 nomination at a primary election or the party candidate at a general elec-  
26 tion.

27 (d) "General election" means the election held on the Tuesday suc-  
28 ceeding the first Monday in November in even-numbered years.

29 (e) "Primary election" means the election held on the first Tuesday  
30 in August in even-numbered years.

31 (f) "County chairman" or "county chairperson" means the chairper-  
32 son of the county central committee, provided to be elected under K.S.A.  
33 25-3802 and amendments thereto, of the political party of which the of-  
34 ficer or candidate whose position has become vacant was a member.

35 Sec. 11. K.S.A. 25-202, 25-206, 25-212 and 25-3901 and K.S.A. 2002  
36 Supp. 25-205 and 25-213 are hereby repealed.

37 Sec. 12. This act shall take effect and be in force from and after its  
38 publication in the statute book.

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