

SENATE BILL No. 69

By Senator Bunten

1-27

AN ACT concerning elections; relating to the date when certain primary elections are held; amending K.S.A. 12-1254, 25-203, 25-1115, 25-2102, 25-2502 and 25-3901 and K.S.A. 2002 Supp. 25-205, 25-302a, 25-1122 and 25-4005 and repealing the existing sections.

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

Section 1. K.S.A. 12-1254 is hereby amended to read as follows: 12-1254. In all cities having a population by the official state census of more than ~~one hundred twenty thousand (120,000)~~ 120,000 and less than ~~one hundred fifty thousand (150,000)~~ 150,000 in which a free public library has heretofore been established as provided by law, the board of directors of such free public library is hereby authorized and empowered to submit the question of making an annual tax levy of not to exceed one (~~1~~) mill for a period not to exceed five (~~5~~) years upon the taxable tangible property within such city for the purpose of creating a building fund to be used for the construction, reconstruction, additions to, furnishing and equipping of the building housing such free public library and of a building to house motor vehicles of such free public library and the architectural expense incidental thereto, to the electors of such city at an election called and held in the manner provided for the calling and holding of elections under the provisions of the general bond law, at the time fixed for the holding of the primary election in August. The amount of such levy and the period for which it will be made shall be stated in the notice and upon the ballot of such election. No tax levy shall be made under the provisions of this act without the question of the making of such levy having been submitted to and having received the approval of a majority of the electors of such city voting thereon at an election called and held for such purpose. All moneys derived from the tax levy authorized by this act shall be placed in a building fund to be used only for the purposes for which the tax levy was made. All tax levies authorized by this act shall be in addition to all other tax levies authorized by law and shall not be subject to any of the limitations prescribed by law, including K.S.A. 12-1215 and 12-1217 and ~~any acts amendatory thereof or supplemental amendments~~ thereto.

Sec. 2. K.S.A. 25-203 is hereby amended to read as follows: 25-203.

1 (a) Except as otherwise provided in subsection (b), the primary national,
2 state, county and township election shall be held on the first Tuesday ~~of~~
3 *after the fourth Monday in August* in even-numbered years for the nom-
4 ination of all candidates to be voted for at the next following general
5 election.

6 (b) In the year ~~1992~~ 2012, if new boundary lines are defined and
7 districts established in the manner prescribed by law for the offices of
8 representative in the United States congress, senator and representative
9 in the legislature of the state of Kansas, and member of the state board
10 of education, on or after June 13, ~~1992~~ 2012, the primary national, state,
11 county and township election shall be held on August ~~25, 1992~~ 28, 2012,
12 for the nomination of all candidates to be voted for at the next following
13 general election.

14 Sec. 3. K.S.A. 2002 Supp. 25-205 is hereby amended to read as fol-
15 lows: 25-205. (a) Except as otherwise provided in this section, the names
16 of candidates for national, state, county and township offices shall be
17 printed upon the official primary ballot when each shall have qualified to
18 become a candidate by one of the following methods and none other: (1)
19 They shall have had filed in their behalf, not later than 12:00 noon, June
20 10, prior to such primary election, or if such date falls on Saturday, Sunday
21 or a holiday, then before 12:00 noon of the next following day that is not
22 a Saturday, Sunday or a holiday, nomination petitions, as provided for in
23 this act, except that in 1998, candidates for judge or district magistrate
24 judge of the district court for positions created in 1998 in those judicial
25 districts that have not approved the proposition of nonpartisan selection
26 of judges of the district court shall have filed in their behalf, not later
27 than 12:00 noon, July 1, 1998, nomination petitions, as provided for in
28 this act; or (2) they shall have filed not later than the time for filing
29 nomination petitions, as above provided, with the proper officer a dec-
30 laration of intention to become a candidate, accompanied by the fee re-
31 quired by law. Such declaration shall be prescribed by the secretary of
32 state.

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

34 I, the undersigned, an elector of the county of _____, and state of Kansas, and
35 a duly registered voter, and a member of _____ party, hereby nominate _____,
36 who resides in the township of _____ (or at number _____ on _____
37 street, city of _____), in the county of _____ and state of Kansas, as a
38 candidate for the office of (here specify the office) _____, to be voted for at the
39 primary election to be held on the first Tuesday *following the fourth Monday* in August in
40 _____, as representing the principles of such party; and I further declare that I
41 intend to support the candidate herein named and that I have not signed and will not sign
42 any nomination petition for any other person, for such office at such primary election.
43

(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 petition circulator who is a resident of the
20 state of Kansas and has the qualifications of an elector in the state of
21 Kansas or of the candidate shall be appended to each petition and shall
22 contain, at the end of each set of documents carried by each circulator,
23 a verification, signed by the circulator or the candidate, to the effect that
24 such circulator or the candidate personally witnessed the signing of the
25 petition by each person whose name appears thereon.

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

18 (1) If new boundary lines are defined and districts established in the
19 manner prescribed by law on or before May 10, nomination petitions for
20 nomination to such offices shall be signed by voters equal in number to
21 not less than 1% of the total of the current voter registration of the party
22 designated in the district as compiled by the office of the secretary of
23 state.

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

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

35 (h) In any year in which districts are reapportioned for the offices of
36 representative in the United States congress, senator and representative
37 in the legislature of the state of Kansas or member of the state board of
38 education:

39 (1) If new boundary lines are defined and districts established in the
40 manner prescribed by law on or before June 10, the deadline for filing
41 nomination petitions and declarations of intention to become a candidate
42 for such office, accompanied by the fee required by law, shall be 12:00
43 noon on June 24, or if such date falls on a Saturday, Sunday or a holiday,

1 then before 12:00 noon of the next following day that is not a Saturday,
 2 Sunday or holiday.

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

10 Sec. 4. K.S.A. 2002 Supp. 5-302a is hereby amended to read as fol-
 11 lows: 25-302a. Any political party seeking official recognition in this state
 12 after the effective date of this act shall file in its behalf, not later than
 13 12:00 noon, June 1, prior to the primary election held on the first Tuesday
 14 *following the fourth Monday* of August in even-numbered years, or if
 15 such date falls on a Saturday, Sunday or a holiday, then before 12:00 noon
 16 of the next following day that is not a Saturday, Sunday or a holiday
 17 petitions signed by qualified electors equal in number to at least 2% of
 18 the total vote cast for all candidates for the office of governor in the state
 19 in the last preceding general election. Such petitions shall declare support
 20 for the official recognition of a political party, the name of which shall be
 21 stated in the declaration. No political party seeking official recognition
 22 shall assume a name or designation which is similar, in the opinion of the
 23 secretary of state, to that of an existing party as to confuse or mislead the
 24 voters at an election.

25 Petitions seeking official recognition of a political party shall be sub-
 26 stantially in the following form:

27 PETITION SEEKING THE OFFICIAL RECOGNITION OF
 28 THE _____ PARTY IN THE STATE OF KANSAS

29 I, the undersigned, hereby declare my support for the official recognition of the _____
 30 Party.

31 I have personally signed this petition; I am a registered elector of the state of Kansas and
 32 the County of _____, and my residence address is correctly written after my name.

33 NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

34 Appended to each petition page or set of pages shall be an affidavit by
 35 the circulator of the petition affirming that such circulator is a resident
 36 of the state of Kansas and has the qualifications of an elector in Kansas
 37 and that the circulator personally witnessed the signing of the petition by
 38 each person whose name appears thereon. The affidavit shall be executed
 39 before a person authorized to administer oaths and include the address
 40 of the circulator.

41 Each page of such petition shall bear the names of registered voters of
 42 a single county. All petitions shall be grouped according to the county in
 43 which each was circulated before being filed with the secretary of state.

1 All such petitions shall be filed at one time. Any related petitions pre-
2 sented thereafter will be deemed to be separate and not a part of earlier
3 filings. County election officers shall cooperate with the secretary of state
4 in verifying the sufficiency of these petitions as required by law.

5 The secretary of state shall transmit such petitions to the county elec-
6 tion officer of each county for which petitions were presented to be ex-
7 amined for sufficiency pursuant to the provisions of K.S.A. 25-3601 *et*
8 *seq.* and amendments thereto and applicable regulations. Not more than
9 20 days following receipt of such petitions from the secretary of state, the
10 county election officer shall return these documents to the secretary of
11 state certifying the number of sufficient signatures thereon. The secretary
12 of state shall gather all petitions and determine whether a sufficient num-
13 ber of signatures was submitted. The secretary of state shall forthwith
14 notify the person who submitted the declaration of intent to circulate
15 such petitions of the sufficiency or insufficiency of the number of signa-
16 tures.

17 Sec. 5. K.S.A. 25-1115 is hereby amended to read as follows: 25-
18 1115. (a) "General election" means the election held on the Tuesday
19 succeeding the first Monday in November of even-numbered years, the
20 elections held for officers on the first Tuesday in April, and in the case
21 of special elections of any officers to fill vacancies, the election at which
22 any such officer is finally elected.

23 (b) "Primary election" means the election held on the first Tuesday
24 *following the fourth Monday* in August of even-numbered years, the elec-
25 tion held five weeks preceding the election on the first Tuesday in April,
26 and any other preliminary election at which part of the candidates for
27 special election to any national, state, county, city or school office are
28 eliminated by the process of the election but at which no officer is finally
29 elected.

30 Sec. 6. K.S.A. 2002 Supp. 25-1122 is hereby amended to read as
31 follows: 25-1122. (a) Any registered voter may file with the county elec-
32 tion officer where such person is a resident, or where such person is
33 authorized by law to vote as a former precinct resident, an application for
34 an advance voting ballot. The signed application shall be transmitted only
35 to the county election officer by personal delivery, mail, facsimile or as
36 otherwise provided by law.

37 (b) Applications for advance voting ballots to be transmitted to the
38 voter by mail shall be filed only at the following times:

39 (1) For the primary election occurring on the first Tuesday *following*
40 *the fourth Monday* in August in even-numbered years, between April 1
41 of such year and the last business day of the week preceding such primary
42 election.

43 (2) For the general election occurring on the Tuesday succeeding the

1 first Monday in November in even-numbered years, between 90 days
2 prior to such election and the last business day of the week preceding
3 such general election.

4 (3) For the primary election held five weeks preceding the first Tues-
5 day in April, between January 1 of the year of such election and the last
6 business day of the week preceding such primary election.

7 (4) For the general election occurring on the first Tuesday in April,
8 between January 1 of the year of such election and the last business day
9 of the week preceding such general election.

10 (5) For question submitted elections occurring on the date of a pri-
11 mary or general election, the same as is provided for ballots for election
12 of officers at such election.

13 (6) For question submitted elections not occurring on the date of a
14 primary or general election, between the time of the first published notice
15 thereof and the last business day of the week preceding such question
16 submitted election, except that if the question submitted election is held
17 on a day other than a Tuesday, the county election officer shall determine
18 the final date for mailing of advance voting ballots, but such date shall
19 not be more than three business days before such election.

20 (7) For any special election of officers, at such time as is specified by
21 the secretary of state.

22 (8) For the presidential preference primary, between January 1 of
23 the year in which such primary is held and the last business day of the
24 week preceding such primary election.

25 The county election officer of any county may receive applications prior
26 to the time specified in this subsection (b) and hold such applications
27 until the beginning of the prescribed application period. Such applications
28 shall be treated as filed on that date.

29 (c) Unless an earlier date is designated by the county election office,
30 applications for advance voting ballots transmitted to the voter in person
31 in the office of the county election officer shall be filed on the Tuesday
32 next preceding the election and on each subsequent business day until
33 no later than 12:00 noon on the day preceding such election. If the county
34 election officer so provides, applications for advance voting ballots trans-
35 mitted to the voter in person in the office of the county election officer
36 also may be filed on the Saturday preceding the election. Upon receipt
37 of any such properly executed application, the county election officer shall
38 deliver to the voter such ballots and instructions as are provided for in
39 this act.

40 An application for an advance voting ballot filed by a sick, physically
41 disabled or illiterate voter or by a person rendering assistance to such
42 voter may be filed during the regular advance ballot application periods
43 until the close of the polls on election day.

1 In any county having a population exceeding 250,000, the county elec-
2 tion officer may designate places other than the central county election
3 office as satellite advance voting sites. At any satellite advance voting site,
4 a registered voter may obtain an application for advance voting ballots,
5 such ballots and instructions shall be delivered to the voter in the same
6 manner and subject to the same limitations as otherwise provided by this
7 subsection.

8 (d) Any person having a permanent physical disability or an illness
9 which has been diagnosed as a permanent illness is hereby authorized to
10 make an application for permanent advance voting status. Applications
11 for permanent advance voting status shall be in the form and contain such
12 information as is required for application for advance voting ballots and
13 also shall contain information which establishes the voter's right to per-
14 manent advance voting status.

15 (e) On receipt of any application filed under the provisions of this
16 section, the county election officer shall prepare and maintain in such
17 officer's office a list of the names of all persons who have filed such
18 applications, together with their correct post office address and the pre-
19 cinct, ward, township or voting area in which such persons claim to be
20 registered voters or to be authorized by law to vote as former precinct
21 residents and the present resident address of each applicant. Such names
22 and addresses shall remain so listed until the day of such election. The
23 county election officer shall maintain a separate listing of the names and
24 addresses of persons qualifying for permanent advance voting status. All
25 such lists shall be available for inspection upon request in compliance
26 with this subsection by any registered voter during regular business hours.
27 The county election officer upon receipt of such applications shall enter
28 upon a record kept by such officer the name and address of each appli-
29 cant, which record shall conform to the list above required. Before in-
30 spection of any advance voting ballot application list, the person desiring
31 to make such inspection shall provide to the county election officer iden-
32 tification in the form of driver's license or other reliable identification and
33 shall sign a log book or application form maintained by such officer stating
34 such person's name and address and showing the date and time of in-
35 spection. All records made by the county election officer shall be subject
36 to public inspection, except that the identifying number on ballots and
37 ballot envelopes and records of such number shall not be made public.

38 (f) If a person on the permanent advance voting list fails to vote in
39 two consecutive general elections held on the Tuesday succeeding the
40 first Monday in November of each even-numbered year, the county elec-
41 tion officer may mail a notice to such voter. Such notice shall inform the
42 voter that the voter's name will be removed from the permanent advance
43 voting list unless the voter renews the application for permanent advance

1 voting status within 30 days after the notice is mailed. If the voter fails to
2 renew such application, the county election officer shall remove the
3 voter's name from the permanent advance voting list. Failure to renew
4 the application for permanent advance voting status shall not result in
5 removal of the voter's name from the voter registration list.

6 Sec. 7. K.S.A. 25-2102 is hereby amended to read as follows: 25-
7 2102. (a) "General election" means the election held on the Tuesday
8 succeeding the first Monday in November of even-numbered years, the
9 elections held for officers on the first Tuesday in April, and in the case
10 of special elections of any officers to fill vacancies, the election at which
11 any such officer is finally elected.

12 (b) "Primary election" means the election held on the first Tuesday
13 *following the fourth Monday* in August of even-numbered years, the elec-
14 tion held five weeks preceding the election on the first Tuesday in April,
15 and any other preliminary election at which part of the candidates for
16 special election to any national, state, county, city or school office are
17 eliminated by the process of the election but at which no officer is finally
18 elected.

19 Sec. 8. K.S.A. 25-2502 is hereby amended to read as follows: 25-
20 2502. (a) "General election" means the election held on the Tuesday
21 succeeding the first Monday in November of even-numbered years, the
22 elections held for officers on the first Tuesday in April, and in the case
23 of special elections of any officers to fill vacancies, the election at which
24 any such officer is finally elected.

25 (b) "Primary election" means the election held on the first Tuesday
26 *following the fourth Monday* in August of even-numbered years, the elec-
27 tion held five weeks preceding the election on the first Tuesday in April,
28 and any other preliminary election at which part of the candidates for
29 special election to any national, state, county, township, city or school
30 office are eliminated by the process of the election but at which no officer
31 is finally elected.

32 Sec. 9. K.S.A. 25-3901 is hereby amended to read as follows: 25-
33 3901. As used in this act, unless the context otherwise requires, the words
34 and terms defined in article 25 of chapter 25 of Kansas Statutes Annotated
35 shall have the meaning therein ascribed thereto, to the extent that the
36 same are not in conflict with the following:

37 (a) "District office" means the office of district judge, district mag-
38 istrate judge, county commissioner, state representative, state senator,
39 district attorney or county attorney.

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

43 (c) "Party candidacy" means a candidate of a political party for a party

1 nomination at a primary election or the party candidate at a general elec-
2 tion.

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

5 (e) "Primary election" means the election held on the first Tuesday
6 following the fourth Monday in August in even-numbered years.

7 (f) "County chairman" or "county chairperson" means the chairper-
8 son of the county central committee, provided to be elected under K.S.A.
9 25-3802 and amendments thereto, of the political party of which the of-
10 ficer or candidate whose position has become vacant was a member.

11 Sec. 10. K.S.A. 2002 Supp. 25-4005 is hereby amended to read as
12 follows: 25-4005. The nomination papers or petitions as mentioned in
13 K.S.A. 25-4004, and amendments thereto, shall be in substantially the
14 following form:

15 I, the undersigned, an elector of the county of _____, and state of Kansas, and
16 a duly registered voter and a member of the _____ party, hereby nominate _____
17 _____ and state of Kansas as a candidate for the office of governor, and

18 (Here insert name and city)
19 running with such candidate _____ and state of Kansas as a candidate

20 (Here insert name and city)
21 for the office of lieutenant governor to be voted for at the primary to be held on the first
22 Tuesday after the fourth Monday in August in _____, as representing the principles
23 of such party; and I further declare that I intend to support the candidates herein named
24 and that I have not signed and will not sign any petition or nomination paper for any other
25 persons, for such offices at the next ensuing election.

26 (HEADING)
27 Name of Street Number Name of Date of
28 Signers or RR City Signing
29 (as Registered)

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

33 Each signer of a nomination paper shall sign but one such paper for
34 governor and lieutenant governor, and shall declare that such signer in-
35 tends to support the candidates therein named, and shall add to the
36 signer's signature the signer's residence, if in a city, by street and number
37 (if any); or, otherwise by address as shown on such signer's registration.
38 No signature shall be counted unless the place of residence of the signer
39 is clearly indicated and the date of signing given as herein required and
40 if ditto marks are used to indicate address they shall be continuous and
41 clearly made. Such sheets shall not be cut or pasted together.

42 All signers of each separate nomination paper shall reside in the same
43 county. The affidavit of a petition circulator who is a resident of the state

1 of Kansas and has the qualifications of an elector of the state of Kansas
2 shall be appended to each such nomination paper, stating that to the best
3 of such petition circulator's knowledge and belief, all the signers thereof
4 are qualified electors of that county; that the petition circulator knows
5 that they signed the same with full knowledge of the contents thereof;
6 that their respective residences are correctly stated therein; that each
7 signer signed the same on the date stated opposite such signer's name,
8 and that the affiant intends to support the candidates therein named.
9 Such affidavit shall be prima facie evidence of the facts therein stated.

10 Such nomination papers shall be signed by not less than 1% of the total
11 vote of the party designated in the state. The basis of the percentage shall
12 be the vote of the party for secretary of state at the last preceding general
13 election of secretary of state; or, in case of a new party, the basis of a
14 percentage shall be the vote cast for the successful candidate for secretary
15 of state at the last preceding general election of secretary of state.

16 Sec. 11. K.S.A. 12-1254, 25-203, 25-1115, 25-2102, 25-2502 and 25-
17 3901 and K.S.A. 2002 Supp. 25-205, 25-302a, 25-1122 and 25-4005 are
18 hereby repealed.

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

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