

## HOUSE BILL No. 2502

By Committee on Federal and State Affairs

2-12

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9 AN ACT concerning district court judges and district magistrates; relat-  
10 ing to the nonpartisan election thereof; amending K.S.A. 20-336 and  
11 25-212 and K.S.A. 2006 Supp. 25-205, 25-206, 25-213 and 25-303 and  
12 repealing the existing sections.  
13

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

15 New Section 1. (a) Notwithstanding any other provision of law, any  
16 district court judge or district magistrate judge who is not selected on a  
17 nonpartisan basis in accordance with K.S.A. 20-2901 et seq., and amend-  
18 ments thereto, shall be elected on a nonpartisan basis in accordance this  
19 section.

20 (b) Nominations or declarations shall be filed in the manner pre-  
21 scribed in K.S.A. 25-206 or 25-303, and amendments thereto, except that  
22 no political party affiliation shall be permitted.

23 (c) No primary election of a district court judge or district magistrate  
24 judge shall be held unless by holding such primary one or more persons  
25 will be eliminated as candidates for such office. In the event there are  
26 not more than two candidates for district court judge or district magistrate  
27 judge, the names of the candidates for such office shall not appear on the  
28 primary election ballots, and there shall be no primary election for such  
29 office, but the names of such candidates shall be placed on the general  
30 election ballot.

31 (d) If there is a tie vote in the general election, the person elected as  
32 district court judge or district magistrate judge shall be determined by  
33 lot.

34 Sec. 2. K.S.A. 20-336 is hereby amended to read as follows: 20-336.  
35 In any judicial district which has not approved the proposition of non-  
36 partisan selection of district court judges, ~~election laws applicable to the~~  
37 ~~election of county officers~~ *section 1, and amendments thereto*, shall govern  
38 every election of district magistrate judges. Each district magistrate judge  
39 shall be elected *on a nonpartisan basis* by the electors of the county where  
40 the judge's position is located.

41 Sec. 3. K.S.A. 2006 Supp. 25-205 is hereby amended to read as fol-  
42 lows: 25-205. (a) Except as otherwise provided in this section, the names  
43 of candidates for national, state, county and township offices shall be

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

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

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

28 (HEADING)

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

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

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

- 1 (d) All signers of each separate nomination petition shall reside in the  
2 same county and election district of the office sought. The affidavit de-  
3 scribed in this paragraph of a petition circulator who is a resident of the  
4 state of Kansas and has the qualifications of an elector in the state of  
5 Kansas or of the candidate shall be appended to each petition and shall  
6 contain, at the end of each set of documents carried by each circulator,  
7 a verification, signed by the circulator or the candidate, to the effect that  
8 such circulator or the candidate personally witnessed the signing of the  
9 petition by each person whose name appears thereon.
- 10 (e) Except as otherwise provided in subsection (g), nomination peti-  
11 tions shall be signed:
- 12 (1) If for a state officer elected on a statewide basis or for the office  
13 of United States senator, by voters equal in number to not less than 1%  
14 of the total of the current voter registration of the party designated in the  
15 state as compiled by the office of the secretary of state;
- 16 (2) If for a state or national officer elected on less than a statewide  
17 basis, by voters equal in number to not less than 2% of the total of the  
18 current voter registration of the party designated in such district as com-  
19 piled by the office of the secretary of state, ~~except that for the office of~~  
20 ~~district magistrate judge, by not less than 2% of the total of the current~~  
21 ~~voter registration of the party designated in the county in which such~~  
22 ~~office is to be filled as certified to the secretary of state in accordance~~  
23 ~~with K.S.A. 25-3302, and amendments thereto;~~
- 24 (3) If for a county office, by voters equal in number to not less than  
25 3% of the total of the current voter registration of the party designated  
26 in such district or county as compiled by the county election officer and  
27 certified to the secretary of state in accordance with K.S.A. 25-3302, and  
28 amendments thereto; and
- 29 (4) If for a township office, by voters equal in number to not less than  
30 3% of the total of the current voter registration of the party designated  
31 in such township as compiled by the county election officer and certified  
32 to the secretary of state in accordance with K.S.A. 25-3302, and amend-  
33 ments thereto.
- 34 (f) Subject to the requirements of K.S.A. 25-202, and amendments  
35 thereto, any political organization filing nomination petitions for a major-  
36 ity of the state or county offices, as provided in this act, shall have a  
37 separate primary election ballot as a political party and, upon receipt of  
38 such nomination petitions, the respective officers shall prepare a separate  
39 state and county ballot for such new party in their respective counties or  
40 districts thereof in the same manner as is provided for existing parties.
- 41 (g) In any year in which districts are reapportioned for the offices of  
42 representative in the United States congress, senator and representative  
43 in the legislature of the state of Kansas or member of the state board of

1 education:

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

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

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

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

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

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

37 Sec. 4. K.S.A. 25-206 is hereby amended to read as follows: 25-206.

38 (a) Except as provided in subsection (b), when a candidate in lieu of  
39 nomination petitions files a declaration of intention to become a candidate  
40 for any national, state, county or township office, the accompanying fee  
41 shall be in an amount as follows: For the office of United States senator,  
42 United States representative from any district or at large, all state offices,  
43 and all county offices, where the salary is over \$1,000 per year, a sum

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

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

18 (b) When a candidate for the office of *district court judge* or district  
19 magistrate judge, in lieu of nomination petitions, files a declaration of  
20 intention to become a candidate for such office, the declaration shall be  
21 in the same form and subject to the same method of attestation as pro-  
22 vided for other state officers in subsection (a) and the required fee to  
23 accompany the declaration shall be \$100.

24 Sec. 5. K.S.A. 25-212 is hereby amended to read as follows: 25-212.  
25 In case there are nomination petitions or declarations of intention to  
26 become a candidate on file for more than one candidate or for more than  
27 one pair of candidates for governor and lieutenant governor, of the same  
28 party for any national or state office, the secretary of state shall divide the  
29 state or appropriate part thereof, into as many divisions as there are names  
30 to go on such party ballot for that office. Such divisions shall be as nearly  
31 equal in number of members of such party as is convenient without di-  
32 viding any one county. In making such division the secretary of state shall  
33 take the alphabetical list of counties in regular order until the secretary  
34 of state gets the required proportion of party members of such party  
35 based upon the party affiliation lists as shown by the certificates of the  
36 respective county election officers, and so on through the list of counties  
37 until the secretary of state gets the proper proportion of party members  
38 in each division. The secretary of state shall also take the alphabetical list  
39 of candidates or pairs of candidates in regular order and in certifying to  
40 the county election officer the list of names for whom nomination peti-  
41 tions or declarations of intent to become a candidate have been filed,  
42 shall place one name or pair of candidates at the head of the list in the  
43 first division of counties, another in the second division, and so on with

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

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

25 Sec. 6. K.S.A. 2006 Supp. 25-213 is hereby amended to read as fol-  
 26 lows: 25-213. (a) At all national and state primary elections, the national  
 27 and state offices as specified for each in this section shall be printed upon  
 28 the official primary election ballot for national and state offices and the  
 29 county and township offices as specified for each in this section shall be  
 30 printed upon the official primary election ballot for county and township  
 31 offices. The official primary election ballots shall have the following head-  
 32 ing:

33 **OFFICIAL PRIMARY ELECTION BALLOT**

34 \_\_\_\_\_ Party

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

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

42 (b) (1) The form shown shall be followed by the names of the persons  
 43 for whom nomination petitions or declarations have been filed according

1 to law for political parties having primary elections, and for the national  
 2 and state offices in the following order: United States senator, United  
 3 States representative from \_\_\_\_\_ district, governor and lieutenant gov-  
 4 ernor, secretary of state, attorney general, state treasurer, commissioner  
 5 of insurance, senator \_\_\_\_\_ district, representative \_\_\_\_\_ district,  
 6 ~~district judge \_\_\_\_\_ district, district magistrate judge \_\_\_\_\_ district,~~  
 7 district attorney \_\_\_\_\_ judicial district, and member state board of  
 8 education \_\_\_\_\_ district. For county and township offices the form  
 9 shall be followed by the names of persons for whom nomination petitions  
 10 or declarations have been filed according to law for political parties having  
 11 primary elections in the following order: commissioner \_\_\_\_\_ district,  
 12 county clerk, treasurer, register of deeds, county attorney, sheriff, town-  
 13 ship trustee, township treasurer, township clerk.

14 (2) *The form shown shall be followed by the names of the persons*  
 15 *whose nominations or declarations have been filed for the nonpartisan*  
 16 *primary elections for the office of district judge and district magistrate*  
 17 *judge, in the following manner: Nonpartisan election of district judges*  
 18 *and district magistrate judges. District judge \_\_\_\_\_ district; district*  
 19 *magistrate judge \_\_\_\_\_ district.*

20 (3) When any office is not to be elected, it shall be omitted from the  
 21 ballot. Other offices to be elected but not listed, shall be inserted in the  
 22 proper places. For each office there shall be a statement of the number  
 23 to vote for.

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

1 may be printed on the same ballot as such candidate and also as a can-  
2 didate for precinct committeeman or committeewoman. No name that is  
3 printed on the official primary election ballot for national and state offices  
4 shall be printed or written in elsewhere on such ballot or on the official  
5 primary election ballot for county and township offices except for precinct  
6 committeeman or committeewoman. No name that is printed on the of-  
7 ficial primary election ballot for county and township offices shall be  
8 printed or written in on the official primary election ballot for national  
9 and state offices or elsewhere on such county and township ballot except  
10 for precinct committeeman or committeewoman.

11 (d) No person shall be elected to the office of precinct committeeman  
12 or precinct committeewoman where no nomination petitions or decla-  
13 rations have been filed, unless the person receives at least five write-in  
14 votes. As a result of a primary election, no person shall receive the nom-  
15 ination and no person's name shall be printed on the official general  
16 election ballot when no nomination petitions or declarations were filed,  
17 unless the person receives votes equal in number to not less than 10% of  
18 the electors who voted for the office of secretary of state at the last pre-  
19 ceeding general election for such office in the state, county or district in  
20 which the office is sought, except that a candidate for township office may  
21 receive the nomination and have such person's name printed on the ballot  
22 where no nomination petitions or declarations have been filed if such  
23 candidate receives three or more write-in votes. No such person shall be  
24 required to obtain more than 5,000 votes.

25 Sec. 7. K.S.A. 2006 Supp. 25-303 is hereby amended to read as fol-  
26 lows: 25-303. (a) This section shall not apply to city and school elections,  
27 nor to election of other officers provided by law to be elected in April.

28 (b) All nominations other than party nominations shall be independ-  
29 ent nominations. ~~No~~ *Except for persons nominated for the position of*  
30 *district judge or district magistrate judge, no* person who has declared  
31 and retains a party affiliation in accordance with K.S.A. 25-3301 and  
32 amendments thereto shall be eligible to accept an independent nomina-  
33 tion for any office.

34 Independent nominations of candidates for any office to be filled by  
35 the voters of the state at large may be made by nomination petitions  
36 signed by not less than 5,000 qualified voters for each candidate and in  
37 the case of governor and lieutenant governor for each pair of such can-  
38 didates.

39 (c) Independent nominations of candidates for offices to be filled by  
40 the voters of a county, district or other division less than a state may be  
41 made by nomination petitions signed by voters equal in number to not  
42 less than 4% of the current total of qualified voters of such county, district  
43 or other division as compiled by the office of the secretary of state in the



1 case of state offices and as compiled in the office of the county election  
2 officer and certified to the secretary of state in accordance with K.S.A.  
3 25-2311, and amendments thereto, in the case of local offices, and in no  
4 case to be signed by less than 25 nor more than 5,000 qualified voters of  
5 such county, district or division, for each candidate.

6 (d) Independent nominations of candidates for offices to be filled by  
7 the voters of a township may be made by nomination papers signed by  
8 not less than 5% of the current total of qualified voters of such township,  
9 computed as above provided, for each candidate, and in no case to be  
10 signed by less than 10 such voters of such township for each candidate.

11 (e) The signatures to such nomination petitions need not all be ap-  
12 pended to one paper, but each registered voter signing an independent  
13 certificate of nomination shall add to the signature such petitioner's place  
14 of residence and post office address. All signers of each separate nomi-  
15 nation petition shall reside in the same county and election district of the  
16 office sought. The affidavit of the candidate or a petition circulator who  
17 is a resident of the state of Kansas and has the qualifications of an elector  
18 of the state of Kansas shall be appended to each petition and shall contain,  
19 at the end of each set of documents carried by each circulator, a verifi-  
20 cation, signed by the circulator, to the effect that such circulator person-  
21 ally witnessed the signing of the petition by each person whose name  
22 appears thereon.

23 (f) No such nomination paper shall contain the name of a candidate  
24 for governor without in the same such paper containing the name of a  
25 candidate for lieutenant governor, and if it does it shall be void.

26 (g) No person shall join in nominating more than one person for the  
27 same office, and if this is done, the name of such petitioner shall not be  
28 counted on any certificate.

29 Sec. 8. K.S.A. 20-336 and 25-212 and K.S.A. 2006 Supp. 25-205, 25-  
30 206, 25-213 and 25-303 are hereby repealed.

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

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