

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson10:00 a.m./p.m. on February 22, 1983 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar,
Hein, Mulich, Steineger and Werts.Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department
Mark Burghart, Legislative Research Department

Conferees appearing before the committee:

Senator Jan Meyers
Judge William G. Gray, District Court, Olathe
Mark R. Anson, Overland Park City Office
Marjorie Van Buren, Office of Judicial Administrator
Senator James Francisco
Ann Heberger, League of Women Voters of KansasSenate Bill 172 - Appeals from certain municipal courts, notices and bonds.

Senator Jan Meyers, the sponsor of the bill, explained to the committee the problem the Johnson County District Court was having concerning procedures for appeals taken from municipal court judgments to the district court. This bill will validate the procedure they are already using in Johnson County.

Judge William Gray testified they are handling the problem the way the bill is amended, and they are concerned that they are not covered with the fringe benefits. They are confused what bond covers them. He said they have appointed 20 clerks as deputies, and as a partical matter, since they are doing the job, they need to be covered by the city bond. The chairman inquired if he would mind if this option is allowed for any county in the state. Judge Gray answered, no. A committee member inquired if this wouldn't cause expenses to the state court system. Judge Gray replied, as far as he is concerned, it would avoid additional expense. He would assume there would be additional expense in the premium for the bond. Committee discussion with him followed.

Mark Anson appeared before the committee in support of the bill.

Marjorie Van Buren testified she seconds what has been said by several other people who spoke before her. As far as she has been able to determine, this is a situation that is only in Johnson County. The problem many counties were having under the other system is getting matters and money forwarded up from the municipal court to the district court. She said she doesn't see where this change would cause any problems. The chairman pointed out that Senate Bill 313 amends the same section as this bill. Marjorie Van Buren testified this addresses the ambiguity in the law, and that is the question of whose appearance bond it is. She referred to line 30 of the bill that states the appearance bond be required in the district court of the county in which the municipal court is located. The chairman asked her opinion if the committee would amend the bill to apply statewide. She replied, if it's permissive as opposed to required, could see it would cause no problems.

Senate Bill 115 - Converting associate district judges to district judges.Senator Francisco, the author of the bill, appeared before the committee to explain he felt the positions of associate district judges should be abolished, since the duties of associate district judges and district judges duties are identical but district judges receive higher salaries. A copy of a proposed amendment to the bill is attached (See Attachment #1). The chairman explained the only fiscal note for

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 22, 1983.

Senate Bill 115 continued

1984 would be \$2,000 per judge, in the event of a vacancy of an associate position who would be replaced by a district judge. Committee discussion with him followed. Handouts concerning district judges and associate district judges are attached (See Attachment #2).

Marjorie Van Buren testified this bill has the intent of accomplishing something the the Supreme Court, Judicial Administrator's office and the Judges Association would like to see happen. She is appearing in support of the bill. She stated in case of a turnover, their calculation is that the savings is higher to get a new judge appointed.

Ann Heberger appeared in support of the concept of the bill. She stated her organization feels it would be very fair and just to abolish the title and raise the pay. A copy of her remarks is attached (See Attachment #3).

Staff passed out ballooned copies of the bill, with the amendments, for the committee's consideration (See Attachment #4). The staff member explained the amendments to the committee. Following committee discussion, Senator Burke moved to adopt the amendments that staff had explained; Senator Feleciano seconded the motion, and the motion carried. Senator Feleciano moved to amend the bill by striking the words "intends to" and inserting "will eliminate" in subsections (c) and (d) of the ballooned version of the bill; Senator Mulich seconded the motion, and the motion carried. Following committee discussion, Senator Feleciano moved to amend the bill by supplying the proper language for dealing with the issue of filing fees of short unexpired terms from November to January; Senator Gaar seconded the motion. Following committee discussion, Senator Feleciano withdrew his motion. Senator Gaar moved to amend the bill to provide the residence requirements to preserve the residence; Senator Werts seconded the motion, and the motion carried. Senator Gaar then moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

Senate Bill 7 - Filing of security interests in farm products.

The chairman asked for the committee's reaction to the committee report of the bill. Committee discussion followed. The chairman will turn in the committee report as prepared.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
John Probst	Mission	A RFD
Marcy Kantola	Topoka	KCC
B. Crenshaw	"	CKFO
W. Callaway		KLRD
Michael R. Arson	Breeland Park	City of O.P.
William G. Gray	Olathes.	District Court
Marion Van Buren	Topoka	OJA
Ann Hehner	Omeland Pk.	L.W.V.K.
Larry D. Humes	Lawrence	Steiniger
Beth Wilkin	Topoka	Sub Post
Kevin G. Powell	Topoka	SOS
Jim May	"	KBA
Jim Clark	"	KCDAA

2-22-3
San Francisco

1

Re: S.B. No. 115

(to follow the words "judicial district" in line 0062)

, except that where an associate district judge files in the office of the Secretary of State a declaration of candidacy as a district judge, and has previously been selected as provided in K.S.A. 20-2901, further certification shall not be required.

Atch. 1

#2

Research and Practice Aids:

Judges—24.
C.J.S. Judges § 40 et seq.

Law Review and Bar Journal References:

Why not a public defender? Earl C. Moore, 14 J.B.A.K. 224 (1936).
The judge pro tem in Kansas, A. K. Stavely, 1952 J.C.B. 28, 37.
Contempt for refusal to testify, 10 K.L.R. 433, 437 (1962).
"Practicing Law in a Unified Kansas Court System," Linda Diane Henry Elrod, 16 W.L.J. 260, 265, 266, 270 (1977).

CASE ANNOTATIONS

1. Injunction may be granted and contempt thereof heard in chambers. *The State v. Cutler*, 13 K. 131, 134.
2. Section does not limit contempt powers except at chambers. *In re Millington, Pettitioner, etc.*, 24 K. 214.
3. Courts have inherent power to punish contempt in courtroom. *In re Millington, Pettitioner, etc.*, 24 K. 214, 221.
4. Court at chambers may discharge attachment and grant interlocutory orders. *Wells, Fargo & Co. v. Danford*, 28 K. 487, 490.
5. Proceedings by judge pro tempore after term held valid. *Cox v. The State, ex rel.*, 30 K. 202, 2 P. 155.
6. Powers in proceedings in aid of execution. *In re Burrows, Pettitioner*, 33 K. 675, 7 P. 148.
7. Court has power at chambers to dissolve attachment order. *Swearingen v. Howser*, 37 K. 126, 14 P. 436; *Blair v. Anderson*, 58 K. 97, 99, 48 P. 562.
8. Powers at chambers must be specifically authorized by law. *The State, ex rel., v. Stevens*, 40 K. 113, 117, 19 P. 365.
9. Contempt of mandamus cannot be heard at chambers. *The State, ex rel., v. Stevens*, 40 K. 113, 19 P. 365; *In re Price, Pettitioner*, 40 K. 156, 19 P. 751.
10. Civil powers of judge are confined to district. *In re Jewitt*, 69 K. 830, 77 P. 567.
11. Restraining order granted by probate judge dissolved at chambers. *Hurd v. Railway Co.*, 73 K. 83, 84 P. 553.
12. Judge may at chambers issue writ of mandamus. *Rea v. Telephone Co.*, 87 K. 665, 667, 125 P. 27.
13. Order of court vacating default judgment of judge pro tem upheld. *Kansas City P. & L. Co. v. City of Elkhart*, 139 K. 374, 31 P.2d 62.
14. Discussed; district court cannot vacate or modify its workmen's compensation award (dissenting opinion). *Gray v. Hercules Powder Co.*, 160 K. 767, 779, 165 P.2d 447.
15. Person cited for contempt in open court may be summarily punished. *In re Ferris*, 175 K. 704, 714, 267 P.2d 190. Reversed: *Courtney v. Schroeder*, 348 U.S. 933, 75 S.Ct. 355, 99 L.Ed. 732.

20-302a. Associate district judges; jurisdiction, powers and duties. (a) An associate district judge shall have concurrent jurisdiction, powers and duties with a district judge, except that, subject to the provisions of subsection (b), an associate district judge shall not have jurisdiction or cognizance of class actions or actions in quo warranto or mandamus. An appeal may be taken

from an order or final decision of an associate district judge in the same manner and to the same extent as an appeal may be taken from such an order or decision of a district judge.

(b) On and after July 1, 1982, an associate district judge shall have concurrent jurisdiction, powers and duties with a district judge.

History: L. 1976, ch. 146, § 12; L. 1980, ch. 94, § 4; July 1.

20-302b. District magistrate judges; jurisdiction, power and duties; appeals. (a) A district magistrate judge shall have the jurisdiction, power and duty, in any case in which a violation of the laws of the state is charged, to conduct the trial of misdemeanor charges and the preliminary examination of felony charges. In civil cases, a district magistrate judge shall have concurrent jurisdiction, powers and duties with a district judge, except that, unless otherwise specifically provided in subsection (b), a district magistrate judge shall not have jurisdiction or cognizance over the following actions:

(1) Any action in which the amount in controversy, exclusive of interests and costs, exceeds five thousand dollars (\$5,000), except that in actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction; nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;

(3) actions for specific performance of contracts for real estate;

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established, except that nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in article 23 of chapter 61 of the Kansas Statutes Annotated, and any acts amendatory thereof or supplemental thereto; and nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

Atch. 2'

shall be tried by a jury in each case unless waived also shall have such appellate jurisdiction as prescribed by law.

New Sec. 10. There shall be three classes of judges of the district courts established pursuant to K. S. A. 20-301, as amended: District judges, associate district judges and district magistrate judges; and as used in this act, the term "judge of the district court" shall mean any of such judges. Such judges shall have the jurisdiction, powers and duties prescribed by this act and otherwise prescribed by law. The judicial power and authority of a judge of the district court in each judicial district may be exercised anywhere within such judicial district, and may be exercised anywhere within any other judicial district when assigned to hear any proceeding or try any cause in such judicial district, as provided in K. S. A. 20-319, as amended.

Sec. 11. From and after January 10, 1977, K. S. A. 20-302 shall be and is hereby amended to read as follows: 20-302. The ~~judges of the district courts~~ *district judge provided for in the Kansas constitution* shall have and exercise ~~such the full judicial power and authority of a district court in vacation or at chambers as may be provided by law, and shall also have power in vacation to hear and determine motions to vacate and modify injunctions, discharge attachments, vacate orders of arrest, and to grant or vacate all necessary interlocutory orders, and to punish for contempt in open court or at chambers, by fine, not to exceed one hundred dollars (\$100), and imprisonment, or either, and to assign not exceeding one attorney to prisoners who may be unable to employ counsel.~~

New Sec. 12. An associate district judge shall have concurrent jurisdiction, powers and duties with a district judge, except that an associate district judge shall not have jurisdiction or cognizance of class actions or actions in quo warranto or mandamus. An appeal may be taken from an order or final decision of an associate district judge in the same manner and to the same extent as an appeal may be taken from such order or decision of a district judge.

New Sec. 13. (a) A district magistrate judge shall have the jurisdiction, power and duty, in any case in which a violation of the laws of the state is charged, to conduct the trial of misdemeanor charges and the preliminary examination of felony charges. In civil cases, a district magistrate judge shall have concurrent jurisdiction, powers and duties with a district judge, except that, unless otherwise specifically provided in subsection (b), a district magistrate judge shall not have jurisdiction or cognizance over the following actions:

(1) Any action in which the amount in controversy, exclusive of interests and costs, exceeds two thousand dollars (\$2,000), except that in actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction; nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

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ended to read as follows:
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district of the state. The
he state of Kansas licensed
the state board of healing
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es in each judicial district

are hereby directed to *shall* nominate one (1) or more candidates for the office of district coroner and submit the names of the persons so nominated to the *administrative judge or judges of each the* judicial district of the state on or before January 1, 1965 1981, and every four (4) years thereafter. The *administrative judge, district judge or judges in each and associate district judges of the* judicial district, shall appoint a district coroner for the district ~~and~~. The appointee may be one of the persons nominated as provided above or some other *qualified person qualified as above provided*.

The district coroner shall serve for a term of four (4) years, which term shall begin on the second Monday in January of the year in which he ~~was~~ *such coroner is* appointed, and ~~his~~ *such coroner's* compensation shall be as provided by law. Vacancies in the office of district coroner shall be filled in the same manner as appointments for regular terms of district coroner. Such ~~an~~ appointment shall be for the remainder of the regular term and shall be effective from the date the coroner is appointed and is otherwise qualified for ~~said the~~ *office as provided herein*.

The coroner shall, before he ~~enters~~ *entering* upon the duties of ~~his the~~ office, take and subscribe an oath or affirmation that ~~he~~ *such coroner* will faithfully, impartially and to the best of his skill and ability discharge the duties of district coroner.

The district coroner ~~may~~, with the approval of the ~~district judge or judges and associate district judges of the judicial district, also~~ *may* appoint one or more deputy coroners, who shall have the qualifications of; and shall have the same duties and authority as the district coroner: *Provided, except* that, whenever a district coroner is unable to appoint a qualified deputy, a special deputy coroner who does not possess the requisite qualifications may be appointed for a term not to exceed one (1) year or until a qualified deputy is appointed, whichever occurs first. The district coroner shall have supervisory authority over ~~such~~ *all* deputy coroners. Deputy coroners, before entering upon the discharge of their duties shall take and subscribe an oath or affirmation to faithfully discharge ~~their the~~ duties to ~~such of their~~ office to the same extent and with like effect as the district coroner.

Sec. 4. K.S.A. 1979 Supp. 20-302a is hereby amended to read as follows: 20-302a. (a) An associate district judge shall have concurrent jurisdiction, powers and duties with a district judge, except that, *subject to the provisions of subsection (b)*, an associate district judge shall not have jurisdiction or cognizance of class actions or actions in quo warranto or mandamus. An appeal may be taken from an order or final decision of an associate district judge in the same manner and to the same extent as an

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appeal may be taken from such *an* order or decision of a district judge.

(b) *On and after July 1, 1982, an associate district judge shall have concurrent jurisdiction, powers and duties with a district judge.*

Sec. 5. K.S.A. 1979 Supp. 20-329 is hereby amended to read as follows: 20-329. In every judicial district, the supreme court shall designate a district judge *or associate district judge* as administrative judge who shall have general control over the assignment of cases within ~~said the~~ district, subject to supervision by the supreme court. Within guidelines established by statute, rule of the supreme court or the district court, the administrative judge of each district court shall be responsible for and have general supervisory authority over the clerical and administrative functions of such court.

Sec. 6. K.S.A. 1979 Supp. 20-331 is hereby amended to read as follows: 20-331. ~~Except as provided in~~ *Subject to the provisions of K.S.A. 1978 1979 Supp. 20-2909, residence requirements relating to judges of the district court as set forth in this act shall be applicable to the time of filing for election as well as to the time for taking the oath of office and to the time for the holding of office. Except as provided in K.S.A. 1978 Supp. 20-2909, no* Any person who has the qualifications prescribed for a district judge by subsection (a) of K.S.A. 1979 Supp. 23-334 shall be eligible for nomination, election or appointment to the office of judge of the district court in any judicial district in which ~~said~~ judge. *In cases where such person is not a resident of the judicial district at the time of such nomination, election or appointment, and such person shall establish residency in the judicial district before taking the oath of office and shall maintain residency while holding office.* No person shall be eligible for nomination, election or appointment to the office of judge of the district court in any ~~division county~~ of any judicial district ~~court~~ for which there has been established, ~~under the provisions of this act,~~ residence requirements for the holding of such office, in which said judge is not a resident at the time of such nomination, election or appointment.

Sec. 7. K.S.A. 1979 Supp. 20-334 is hereby amended to read as follows: 20-334. (a) Subject to the provisions of K.S.A. 1979 Supp. 20-2909, any person who is elected, retained in office or appointed as a district judge shall:

(1) Have been regularly admitted to practice law in the state of Kansas;

(2) be a resident of the judicial district for which he or she is elected or appointed to serve *at the time of taking the oath of*

2-2-83
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LWVK

LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

February 22, 1983

Statement to the Senate Committee on the Judiciary in support of S.B. 115.

Senator Pomeroy and Members of the Committee:

The League of Women Voters of Kansas began studying the Kansas courts in the early 1960s. After reevaluating League position in 1975, members have been strong advocates of a unified court system.

We do understand that it has been necessary to take time to implement such important legislation, however, we believe that the time has come to eliminate the position of associate district judge. When people are doing the same work, it seems unfair to us that titles and pay should be different.

S.B. 115 would correct this injustice.

Thank you for your consideration.



Ann Heberger, Lobbyist
League of Women Voters of Kansas

Atch. 3

SENATE BILL No. 115

By Senator Francisco

1-27

0017 AN ACT concerning judges of the district courts; providing for
0018 the elimination of associate district judge positions and the
0019 creation of district judge positions; amending K.S.A. 20-353,
0020 20-354, 20-2909, 25-101, 25-206, 25-212, 25-213, 25-611, 25-
0021 617, 25-1116, 25-1118, 25-2503, 25-2505, 25-3901 and 25-4153
0022 and K.S.A. 1982 Supp. 20-2908 and repealing the existing
0023 sections; also repealing K.S.A. 20-352.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 New Section 1. (a) Upon any vacancy occurring in any asso-
0026 ciate district judge position, the supreme court shall eliminate the
0027 position and create an additional division of the district court of
0028 the judicial district in the manner provided by K.S.A. 20-353 and
0029 amendments thereto or eliminate the position in the manner
0030 provided by K.S.A. 20-354 and amendments thereto.

0031 Sec. 2. K.S.A. 20-353 is hereby amended to read as follows:
0032 20-353. (a) If, upon the death, resignation, retirement or removal
0033 of a district magistrate judge in any judicial district, the supreme
0034 court determines that, in order to effectively expedite the busi-
0035 ness of the district court in ~~such~~ the judicial district, ~~such~~ the
0036 district magistrate judge position should be eliminated and that
0037 an additional associate district judge position should be created
0038 for the county in which such district magistrate judge served; or
0039 that an additional division of ~~such~~ the district court of the judicial
0040 district should be created, the supreme court shall certify to the
0041 secretary of state the elimination of the district magistrate judge
0042 position and the creation of the additional associate district judge
0043 position or the creation of an additional division of the district
0044 court. ~~Where such position or~~ If the division is to be created in a
0045 judicial district in which the proposition of nonpartisan selection
46 of district court judges has been approved, as provided in K.S.A.

(b) Upon expiration of the term of any person holding an associate district judge position, the supreme court shall eliminate the position and create an additional division of the district court of the judicial district in the manner provided by K.S.A. 20-353 and amendments thereto, except that the position of district judge of the new division shall be filled in the manner provided by this section.

(c) When the supreme court intends to eliminate an associate district judge position and create an additional division of the district court pursuant to this section upon expiration of the term of an associate district judge of a judicial district which selects judges of the district court by nonpartisan selection, the supreme court shall certify that intention to the secretary of state not less than July 1 of the year before the term of the associate district judge expires. The incumbent associate district judge whose position is to be eliminated shall be eligible to stand for retention as district judge of the division which will be created in the same manner as if the incumbent were an incumbent district judge of an existing division of the judicial district. If the incumbent associate district judge does not file a declaration of candidacy for retention in office as district judge of the new division, the position of district judge of the new division shall be filled in the manner provided for filling a vacancy in the position of district judge of an existing division of the judicial district.

(d) When the supreme court intends to eliminate an associate district judge position and create an additional division of the district court pursuant to this section upon expiration of the term of an associate district judge of a judicial district which elects judges of the district court, the supreme court shall certify that intention to the secretary of state on or before March 1 of the year before the term of the associate district judge expires. The secretary of state and the appropriate county election officers shall thereupon conduct the nomination and election of a district judge of the division which will be created in the same manner as the nomination and election of a district judge of an existing division of the judicial district.

Atch. 4

0084 trate judge position.

0085 Sec. 4. K.S.A. 1982 Supp. 20-2908 is hereby amended to read
 0086 as follows: 20-2908. Following the approval of nonpartisan
 0087 selection of judges of the district court in a judicial district as
 0088 provided in K.S.A. 20-2901 and amendments thereto, there shall
 0089 not be an election or reelection of a judge of the district court at
 0090 any succeeding general election, but any judge of the district
 0091 court in the judicial district whose term of office expires on the
 0092 second Monday in January next following any such succeeding
 0093 general election shall be eligible for retention in office as pro-
 0094 vided in this section. Not less than 60 days prior to the holding of
 0095 the general election next preceding the expiration of the judge's
 0096 term of office, the judge may file in the office of the secretary of
 0097 state a declaration of candidacy for retention in office. If a
 0098 declaration is not so filed, the position held by the judge shall be
 0099 vacant upon the expiration of the judge's term of office. If a
 0100 declaration is filed, the judge's name shall be submitted at the
 0101 next general election to the electors of the judicial district, if the
 0102 judge is a district or associate district judge, or to the electors of
 0103 the county, if the judge is a district magistrate judge. The name
 0104 shall be submitted on a separate judicial ballot, without party
 0105 designation, reading substantially as follows:

0106 "Shall _____
 0107 (Here insert name of judge.)

0108 _____
 0109 (Here insert the title of the court.)

0110 be retained in office?"

0111 If a majority of those voting on the question vote against retaining
 0112 the person in office, the position or office which the person holds
 0113 shall be vacant upon the expiration of the person's term of office;
 0114 otherwise, unless removed for cause, the person shall remain in
 0115 office for the regular term of four years from the second Monday
 0116 in January following the election. At the expiration of each term,
 0117 unless by law the person is compelled to retire, the person shall
 0118 be eligible for retention in office by election in the manner
 0119 prescribed in this section.

0121 Wherever a majority of those voting on the question of retain-
 0122 ing any judge in office vote against retention, the secretary of
 state, following the final canvass of votes on the question, shall

judge

0123 certify the results to the chief justice of the supreme court. Any
0124 the judge who has not been retained in office pursuant to this
0125 section shall not be eligible for nomination or appointment to the
0126 office of judge of the district court in the judicial district prior to
0127 the expiration of four years after the expiration of the judge's term
0128 of office.

0129 Election laws applicable to the general elections of other state
0130 officers shall apply to elections upon the question of retention of
0131 judges of the district court pursuant to this section, to the extent
0132 that they are consistent with the provisions of this act.

0133 Sec. 5. K.S.A. 20-2909 is hereby amended to read as follows:
0134 20-2909. (a) Whenever a vacancy ~~shall occur~~ *occurs* in the office
0135 of judge of the district court in any judicial district, or whenever a
0136 vacancy will occur in ~~such the~~ office on a specified future date,
0137 the chief justice of the supreme court promptly shall give notice
0138 of ~~such the~~ vacancy to the chairperson of the district judicial
0139 nominating commission of ~~such the~~ judicial district. ~~Said~~ *The*
0140 chairperson shall call a meeting of the commission to be held
0141 within five ~~(5)~~ days after receipt of ~~such the~~ notice for the purpose
0142 of nominating persons for appointment to ~~such the~~ office. It shall
0143 be the duty of the commission to nominate not less than two ~~(2)~~
0144 nor more than three ~~(3)~~ ~~such~~ persons for each office which is
0145 vacant, and shall submit the names of the persons so nominated
0146 to the governor. Any person so nominated shall have the qualifi-
0147 cations prescribed by subsection (b) of K.S.A. 20-2903 *and*
0148 *amendments thereto*, and in order to obtain the best qualified
0149 persons as nominees, the commission shall not limit its consid-
0150 eration of potential nominees to those persons whose names have
0151 been submitted to the commission or who have expressed a
0152 willingness to serve. The commission may authorize one ~~(1)~~ or
0153 more members of the commission to tender a nomination to any
0154 qualified person in order to ascertain ~~his or her~~ willingness to
0155 serve if nominated; but any ~~such~~ tender of nomination shall be
0156 subject to final action of the commission under the conditions
0157 prescribed by subsection (b) of K.S.A. 20-2907 *and amendments*
0158 *thereto*. Under no circumstances shall the commission refer to or
01 describe potential nominees as applicants or otherwise suggest

of beginning the process

the person's

02 district in any county shall expire during the next year, there shall
0235 be elected from such district a county commissioner.

0236 This section shall apply to the filling of vacancies only so far as
0237 is consistent with the provisions of law relating thereto.

0238 Sec. 7. K.S.A. 25-206 is hereby amended to read as follows:
0239 25-206. (a) Except as provided in subsection (b), when a can-
0240 didate in lieu of nomination papers shall file a declaration of
0241 intent to become a candidate for any national, state, county or
0242 township office the accompanying fee shall be in an amount as
0243 follows: For the office of United States senator, ~~congressman~~
0244 *United States representative* from any district or at large, all state
0245 offices, and all county offices, where the salary is over ~~one~~
0246 ~~thousand dollars (\$1,000)~~ \$1,000 per year, a sum equal to ~~one~~
0247 ~~percent (1%)~~ 1% of one (~~1~~) year's salary as determined by the
0248 secretary of state for state and national offices, and as determined
0249 by the county election officer for county offices. For all county
0250 offices where the salary is ~~one thousand dollars (\$1,000)~~ \$1,000 or
0251 less, a fee of ~~five dollars (\$5)~~ \$5; for a state senator, ~~seventy-five~~
0252 ~~dollars (\$75)~~ \$75; for representatives, ~~fifty dollars (\$50)~~ \$50; for
0253 all township offices, ~~one dollar (\$1)~~ \$1. Nothing in this act shall
0254 be construed as requiring any fee of a candidate filing a declara-
0255 tion of intent to become a candidate for precinct committeeman
0256 or precinct committeewoman. ~~The funds so received, shall be, by~~
0257 ~~the officer receiving them, turned over to the state treasurer, if~~
0258 ~~deposited with the secretary of state, to the county treasurer, if~~
0259 ~~deposited with the county election officer, and said the sum shall~~
0260 ~~become a part of the general fund of the respective governments~~
0261 ~~government.~~

0262 ~~Such~~ The declaration shall be in substantially the following
0263 form, and shall be attested before a county election officer or
0264 deputy county election officer in the case of county and township
0265 offices, and before a county election officer, the secretary of state
0266 or a deputy of one of such officers in the case of state and national
0267 offices, and a notary public in the case of precinct committeemen
0268 and committeewomen:

0269 I, _____, Kansas, _____, 19____
0270 (Insert name exactly as it is to appear on official primary ballot.)
0271 the undersigned, residing at _____,

When fees are paid to the secretary of state pursuant to this section, the secretary of state shall remit the entire amount to the state treasurer, who shall deposit it in the state treasury and credit it to the state general fund. When fees are paid to the county election officer pursuant to this section, the county election officer shall remit the entire amount to the county treasurer, who shall deposit it in the county treasury and credit it to the county general fund.

0321 affiliation lists as shown by the certificates of the respective
0322 county election officers, and so on through the list of counties
0323 until ~~he or she~~ *the secretary* gets the proper proportion of party
0324 members in each division. The secretary of state shall also take
0325 the alphabetical list of candidates or pairs of candidates in regular
0326 order and in certifying to the county election officer the list of
0327 names for whom nomination petitions or declarations of intent to
0328 become a candidate have been filed, shall place one name or pair
0329 of candidates at the head of the list in the first division of
0330 counties, another in the second division, and so on with all the
0331 candidates for any particular office, so that every candidate or
0332 pair of candidates for any office shall be at the head of the list in
0333 one division of the state and second in another division thereof,
0334 and so forth. When, in the case of candidates for the office of
0335 congressman, district judge, ~~associate district judge,~~ district
0336 magistrate judge, state senator, state representative or state board
0337 of education member, the secretary of state ~~finds that he or she~~
0338 cannot get a fair proportion of party members to give each
0339 candidate for congressman, district judge, ~~associate district judge,~~
0340 district magistrate judge, state senator, state representative or
0341 state board of education member in any given district an equita-
0342 ble or fair opportunity to have ~~his or her~~ name first on the ballot
0343 in the respective counties of the district, the secretary of state
0344 shall order the county election officers in the various counties of
0345 the district to rotate the names of the candidates for such district
0346 offices according to precinct. If voting machines are used the
0347 arrangement of names of candidates or pair of candidates for all
0348 offices on the voting machines shall be rotated, as near as may be,
0349 according to precinct.

0349 The arrangement of the names certified by the secretary of state
0350 shall govern the county election officer in arranging the primary
0351 election ballot, and the county election officer in preparing the
0352 ballot for ~~his or her~~ *the county election officer's* county shall
0353 follow the same arrangement as provided in this section for the
0354 secretary of state, for the candidates nominated for county offices,
0355 using the township and precincts of the county in making ~~his or~~
~~her~~ *the county election officer's* division.

the candidate's

0540 _____ JUDICIAL DISTRICT *Vote for One*
 0541 []
 0542 []
 0543 []
 0544 FOR STATE BOARD OF EDUCATION MEMBER
 0546 _____ DISTRICT *Vote for One*
 0547 _____ []
 0548 _____ []
 0549 _____ []
 0550 _____ []

0551 When any office is not to be elected, it shall be omitted from the
0552 ballot.

0553 When a voting machine does not provide sufficient space to
0554 accommodate the full names of the candidates for governor and
0555 lieutenant governor, only the surname of such candidates shall be
0556 required to be printed on the ballot label unless surnames of ~~one~~
0557 or more of the candidates are the same.

two

0558 Sec. 12. K.S.A. 25-1116 is hereby amended to read as follows:
0559 25-1116. (a) "National election" means the election of members
0560 of the United States house of representatives, members of the
0561 United States senate and members of the United States presi-
0562 dential electoral college.

0563 (b) "State election" means the election of state officers elected
0564 on a statewide basis, members of the house of representatives and
0565 state senators, members of the state board of education, district
0566 judges, ~~associate district judges~~, district magistrate judges and
0567 district attorneys.

0568 (c) "County election" means the election of such county of-
0569 ficers as are provided by law to be elected.

0570 (d) "City election" means the election of such city officers as
0571 are provided by law to be elected.

0572 (e) "School election" means the election of members of the
0573 governing body of a school district or a community junior college.

0574 Sec. 13. K.S.A. 25-1118 is hereby amended to read as follows:
0575 25-1118. (a) "National office" or "national officer" means the
0576 office of members of the United States house of representatives,
0577 members of the United States senate and members of the United
0578 States presidential electoral college.

0580 (b) "State office" or "state officer" means the state officers
elected on a statewide basis, members of the house of represent-