

Approved 2-28-84  
Date

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Ronald R. Hein at  
Chairperson

1:30 ~~xxx~~ p.m. on February 14, 1984 in room 522-S of the Capitol.

All members were present except:

Senator Jan Meyers  
Senator Robert Talkington

Committee staff present:

Myrta Anderson, Legislative Research Department  
Arden Ensley, Revisor of Statutes' Office  
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Mr. Eric Rucker, Secretary of State's Office

The Chairman called the meeting to order.

Mr. Eric Rucker presented a bill draft to the Committee, requesting the Committee to introduce a bill concerning the ability to gain ballot access in Kansas for minor political parties. Mr. Rucker stated that the Libertarian Party had filed a law suit against Kansas, and that Judge Rogers had ruled that Kansas statutes were unconstitutional in this area. He stated that Kansas has no constitutional mechanism for third parties to gain access to the ballot. (Attachment 1)

Mr. Rucker stated that Kansas recognizes 6 parties: Conservative Party, American Party, Prohibition Party, Libertarian Party, Republican Party and Democrat Party.

Mr. Rucker stated that K.S.A. 25-202 should be amended to change the Secretary of State's Office to Governor's Office because more parties participate in the Governor's race than in the Secretary of State's race. He stated that a new party would be required to file petitions signed by qualified electors equal in number to at least 2% of the total votes cast for all candidates for the office of governor in Kansas in the last preceding general election, in order to gain access to the ballot.

Questions were asked and a general discussion was held.

Motion was made by Senator Reilly and seconded by Senator Gannon to introduce the minor political parties bill draft. The motion was adopted.

Motion was made by Senator Johnston and seconded by Senator Hayden to amend SB 299 by changing 7% to 10% in line 35. The motion was adopted.

Motion was made by Senator Johnston and seconded by Senator Reilly to delete line 33 and "proposition" in line 34 in SB 299. The motion was adopted.

Motion was made by Senator Reilly and seconded by Senator Gannon to amend SB 299 by deleting "90 days preceding the" in line 50 and all of line 51, and inserting "the date prescribed for filing of nomination petitions and declarations of candidacy by K.S.A. 25-205, and amendments thereto". The motion was adopted.

Motion was made by Senator Reilly and seconded by Senator Johnston to amend SB 299 by inserting in line 55, after the word "year", "Not more than two propositions shall be submitted by any city, two by any county and two by the state at the time of any one election. If more than two petitions are filed, the propositions submitted with the first two valid petitions to be filed shall be submitted at the ensuing election. The county election officer or secretary of state may provide for the printing of paper ballots for the purpose of submitting propositions to election pursuant to this act." The motion was adopted.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,  
room 522-S Statehouse, at 1:30 ~~xm~~/p.m. on February 14, 1984

Motion was made by Senator Reilly and seconded by Senator Johnston to amend SB 299 by requiring an affirmative vote of the governing body to get a non-binding advisory referendum on the ballot, thus eliminating the petition process.

Motion was made by Senator Norvell and seconded by Senator Roitz to adjourn the meeting. The motion was adopted.

SENATE BILL NO. \_\_\_\_\_

By Committee on Elections

AN ACT relating to elections; concerning minor political parties; providing for official recognition of such parties and the nomination of candidates thereby; amending K.S.A. 25-202, 25-302 and 25-302a and repealing the existing sections.

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

Section 1. K.S.A. 25-202 is hereby amended to read as follows: 25-202. Hereafter (a) Except as otherwise provided in subsection (b) all candidates for national, state, county and township offices shall be nominated by: (1) A primary held in accordance with article 2 of chapter 25 of the Kansas Statutes Annotated; or (2) independent nomination papers signed and filed as provided by existing statutes: ~~Provided, however,~~

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

(c) The provisions of article 2 of chapter 25 of the Kansas Statutes Annotated shall not apply to the justices of the supreme court or to judges of the district court in judicial districts which have approved the proposition of nonpartisan selection of district court judges, as provided in K.S.A. 20-2901 and amendments thereto, nor to special elections to fill vacancies.

Sec. 2. K.S.A. 25-302 is hereby amended to read as follows: 25-302. Any recognized political party having ~~--a--state--or~~ national--organization, ~~--or--which--appeared-on-the-ballot-at-the~~

*Atch. 1*

~~general election in 1954,~~ except those authorized to participate in a primary election pursuant to K.S.A. 25-202, and amendments thereto may by means of a delegate or mass convention, ~~primary election,~~ or caucus of qualified voters belonging to such party, may, for the state or municipality, or any lawfully organized portion of either, for which such convention, ~~primary election~~ or caucus is held, nominate one person for each office that is to be filled therein at the next ensuing election, and, subject to the provisions of this act, file a certificate of such nominations so made. A convention or caucus for nominating persons for national, state, district, or county offices shall be called by the state ~~chairman~~ chairperson of the party, or if there be no state ~~chairman~~ chairperson by the party's candidate for governor at the preceding general election.

Every such certificate shall be signed by the presiding officer and a secretary of the convention or caucus making such nominations. ~~Where such nominations are made by primary election, the certificate shall be signed by the members of the board of canvassers to which the returns of such primary election are made.~~ In each case the persons signing the certificates shall add to their signatures their places of residence, and shall make and subscribe an oath that, to the best of their knowledge and belief, such certificates and the statements therein made are true; and a certificate that such oath has been taken and administered shall be made and signed on such certificate of nomination by the officer before whom the same was taken.

Sec. 3. K.S.A. 25-302a is hereby amended to read as follows: 25-302a. Any new political party organized in this state and ~~any national political party~~ seeking to ~~organize~~ official recognition in this state after the effective date of this act shall be ~~allowed to make party nominations by mass convention or caucus only after filing with the secretary of state,~~ at least ~~sixty (60)~~ 60 days before the deadline for filing nomination papers and declarations of candidates, file petitions signed by qualified electors equal in number to at least three

percent-(3%) 2% of the total vote cast for all candidates for the office of governor in the state in the last preceding general election. Such petitions shall declare ~~the-intention-of-said electors-of-organizing-a-political-party~~ support for the official recognition of a political party, the name of which shall be stated in the declaration, ~~and-of-participating-in-the-next succeeding-election.-Such-petitions-shall-be-circulated, signed and-verified-in-the-same-manner-as-nomination-papers-as-set-forth in-K.S.A.---25-205-and-any-amendments-thereto-and-shall-first-be checked-and-verified-by-the-county-election-officer-of-each county-in-which-any-such-petition-was-circulated-as-to-the signatures-in-such-county-before-being-directed-to-the-office-of the-secretary-of-state-for-further-verification-and-filing.~~ No such-group-of-eleeters political party seeking official recognition shall assume a name or designation which is similar, in the opinion of the secretary of state, to that of an existing party as to confuse or mislead the voters at an election.

Petitions seeking official recognition of a political party shall be substantially in the following form:

PETITION SEEKING THE OFFICIAL RECOGNITION OF  
THE PARTY IN THE STATE OF KANSAS

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

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

NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

Appended to each petition page or set of pages shall be an affidavit by the circulator of the petition affirming that such circulator is a duly registered voter of the county in which the petition was circulated and that the circulator personally witnessed the signing of the petition by each person whose name appears thereon. The affidavit shall be executed before a person

authorized to administer oaths and include the address of the circulator.

Each page of said petition shall bear the names of registered voters of a single county. All petitions shall be grouped according to the county in which each was circulated before being filed with the secretary of state. All such petitions shall be filed at one time. Any related petitions presented thereafter will be deemed to be separate and not a part of earlier filings. County election officers shall cooperate with the secretary of state in verifying the sufficiency of these petitions as required by law.

The secretary of state shall transmit such petitions to the county election officer of each county for which petitions were presented to be examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 et seq. and amendments thereto and applicable regulations. Not more than 20 days following receipt of such petitions from the secretary of state, the county election officer shall return these documents to the secretary of state certifying the number of sufficient signatures thereon. The secretary of state shall gather all petitions and determine whether a sufficient number of signatures was submitted. The secretary of state shall forthwith notify the person who submitted the declaration of intent to circulate such petitions of the sufficiency or insufficiency of the number of signatures.

New Sec. 4. Any recognized political party whose nominee for governor or nominees for electors for president fail to receive at least 2% of the total vote cast for such office in this state at any general election, or which fails to nominate persons for such offices, shall cease to be a recognized political party. The secretary of state shall notify all county election officers that such party has ceased to be recognized.

New Sec. 5. When a political party ceases to be recognized, each county election officer shall list as unaffiliated any registered voters then affiliated with that party.

Sec. 6. K.S.A. 25-202, 25-302 and 25-302a are hereby

repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.