

Approved 2-6-90
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Kennet R. King at
Chairperson

9:03 a.m./p.m. on Tuesday, January 30, 1990, 19 in room 521-S of the Capitol.

All members were present except:

Committee staff present:

Pat Mah, Research
Arden Ensley, Revisor
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

The meeting of the House Election Committee was called to order at 9:03 a.m. on January 30th, 1990 by Chairman Kenneth R. King.

The minutes of the meeting on January 25th were presented for approval. Representative Scott made the motion the minutes be approved, seconded by Representative Shallenburger and carried.

Chairman King opened hearings on three bills, HB 2704, HB 2705, and HB 2706, which are clean up bills that make technical corrections in the law.

He called on Arden Ensley, Revisor, to present testimony on the changes that were requested. (Attachment I)

HB 2704 repeals K.S.A. 1989 Supp 25-3601a, relating to the sufficiency of petitions.

HB 2705 relates to elections; concerning absentee voting, and amends K.S.A. 251122 and repeals the existing section and also repeals K.S.A. 25-1122e.

HB 2706 relates to elections, concerning nominations for election; amending K.S.A. 1989 Supp. 25-208a and 25-308 and repealing the existing sections and also repealing K.S.A. 1989 Supp. 25-208b, 25-208c and 25-308a.

Mr. Ensley stated there was an error in the repealing section of HB 2706 on line 17, page 3. It shows 25-308a twice and the first should not have an "a" on it. Representative Baker made a motion to strike the first 25-308a and substitute 25-308. This was seconded by Representative Shallenburger. The motion carried unanimously.

The Chair referred two bills, HB 2725 and HB 2726, which are ethic related, to the Sub-Committee for deliberation.

Representative Blumenthal asked the chair to clarify whether all ethic related bills would be referred to the Sub-Committee or if they would be brought before the full committee. Chairman King stated the Sub-Committee would look at the bills first and then would come up with a concensus but that hearings would be held before the full committee and each member would have an opportunity at that time for input.

Representative Baker made a request, since there is so much interest in the legislature in regard to ethics, rather than pass by some people who are very knowledgeable, it would be very informative to have a noon meeting, sponsored by the Election Committee, and invite Pete McGill, Dr. Harder and Justice Herd to appear. After discussion by the committee Representative Baker made a motion

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,

room 521-S, Statehouse, at 9:03 a.m./p.m. on Tuesday, January 30, 1990.

that an open meeting be called, sponsored by the Election Committee, and ask the three distinguished men, before mentioned, to appear. Also an invitation would be extended to all members of the legislature. This was seconded by Representative Sawyer and carried.

SB 248 was presented to the committee for final action. Pat Mah, Research, gave a short review of the bill, which provides that an election officer shall allow a person to assist a sick, disabled or illiterate voter in marking an absentee ballot providing a written statement is signed by the person who renders the assistance. Representative Sader moved that the bill be passed out of committee favorably, seconded by Representative Lucas. Representative Shallenburger mentioned the bill last year was on the Consent Calendar. Representative Sader changed her motion to pass SB 248 out of committee favorably and put it on the Consent Calendar. This was seconded by Representative Lucas and the motion passed unanimously.

The previously scheduled meeting for Thursday, February 1st was cancelled.

The meeting of the Elections Committee was adjourned at 9:35 a.m.

WORD:

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election officer a declaration of ~~intent to be~~ *intention to become* such a candidate, and payment therewith of a filing fee in the amount of ~~five dollars (\$5)~~ \$5. *Such declaration shall be prescribed by the secretary of state.*

(3) Any such petition or declaration which is for an unexpired term of a member shall so specify.

(c) Any such petition or declaration of intent must be filed before the filing deadline. No candidate shall be permitted to withdraw from candidacy ~~after the filing deadline.~~

25-3601a

Sec. 9. K.S.A. 25-3601 is hereby amended to read as follows: 25-3601. ~~Whenever~~ *When* under the laws of this state a petition is required or authorized as a part of the procedure applicable to *the state as a whole or any legislative election district or to any county, city, school district or other municipality, or part thereof,* the provisions of this act shall apply, except as is otherwise specifically provided in the statute providing for such petition. The sufficiency of each signature and the number thereof on any such petition shall be determined in accordance with the provisions of ~~this act~~ K.S.A. 25-3601 to 25-3607, inclusive, and amendments thereto by the county election officer or such other official as designated in the applicable statute. *When any statute makes specific provisions concerning matters that K.S.A. 25-3601 et seq. and amendments thereto also has requirements which are different therefrom, the provisions of the specific statute shall control.*

Sec. 10. K.S.A. 25-4006 is hereby amended to read as follows: 25-4006. The provisions of K.S.A. 25-206 and amendments thereto shall not apply to the offices of governor and lieutenant governor. When candidates for governor and lieutenant governor in lieu of nomination ~~papers~~ *petitions* shall file a joint declaration of ~~intent~~ *intention* to become candidates for such offices the accompanying fee shall be a sum equal to the total of one percent (1%) of one year's salary for governor and one percent (1%) of one year's salary for lieutenant governor, as determined by the secretary of state. Amounts received under this section shall be deposited in the state treasury and credited to the state general fund.

Such declaration shall be ~~in substantially the following form~~ *prescribed by the secretary of state*, and shall be attested before the secretary of state or a deputy secretary of state:

_____, Kansas, _____, 19____
We, _____
(Candidate for governor)
residing at _____
Street or RR, city
and _____
(Candidate for lieutenant governor)

Attachment I

general, and a decision of a majority of these officers shall be final. In the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, clerk of the district court and county attorney or district attorney, and a decision of a majority of these officers shall be final.

(d) In any case where objection is made, notice shall forthwith be given, by the officer with whom the objections are filed, to the other officers required to determine the matter and to the candidates affected thereby, addressed in the case of candidates to their places of residence as given in the nomination ~~papers~~ petitions, declaration of intent or certificate of nomination. The notice shall state the time when the objection will be considered, which shall be not more than five ~~(5)~~ days following the giving of such notice in the case of nomination of a national or state officer and not more than three ~~(3)~~ days following the giving of such notice in the case of nomination of a county, township, city or school officer, and the place where such objections will be considered.

(e) The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436 and amendments thereto. The officers determining any objections under this section may assess any costs arising therefrom to either the objector or objectee in accordance with the determination made. Such costs shall be paid to the secretary of state or the county election officer, as the case may be, and deposited thereby in the treasury of the state or county to the credit of its general fund. If such costs are not paid within ~~ten (10)~~ 10 days after the same are fixed, the secretary of state or county election officer shall make a certificate of the facts and file it with the clerk of the district court in the county where the person owing the same resides, and such clerk of the district court shall cause the same to be collected as in cases of collection of court costs, and when so collected the same shall be disposed of as are court costs in such district court.

(f) All mandamus proceedings to compel an officer to certify and place upon the ballot any name or names, and all injunction proceedings to restrain an officer from certifying and placing upon the ballot any name or names, must be commenced not less than ~~thirty (30)~~ 30 days before the election.

Sec. 4. K.S.A. 25-3601 is hereby amended to read as follows: 25-3601. ~~Whenever~~ When under the laws of this state a petition is required or authorized as a part of the procedure applicable to the state as a whole or any legislative election district or to any county, city, school district or other municipality, or part thereof, the pro-

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visions of this act shall apply, except as is otherwise specifically provided in the statute providing for such petition. The sufficiency of each signature and the number thereof on any such petition shall be determined in accordance with the provisions of ~~this act~~ K.S.A. 25-3601 to 25-3607, inclusive, and amendments thereto by the county election officer or such other official as designated in the applicable statute. *When any statute makes specific provisions concerning matters that K.S.A. 25-3601 et seq. and amendments thereto also has requirements which are different therefrom, the provisions of the specific statute shall control.*

Sec. 5. K.S.A. 25-208, 25-208a, 25-308 and 25-3601 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 10, 1989.

CHAPTER 108

Senate Bill No. 111

AN ACT concerning elections; federal services absentee ballots; school district ballots; amending K.S.A. 25-1214, 25-1216 and 25-1220 and K.S.A. 1988 Supp. 25-2708 and repealing the existing sections.

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

Section 1. K.S.A. 25-1214 is hereby amended to read as follows: 25-1214. As used in this act: (a) "Federal act" means the ~~federal voting assistance act of 1955, 50 U. S. C. 1451 as amended by public laws 90-343 and 90-344 uniformed and overseas citizens absentee voting act (42 U.S.C. 1973ff et seq.)~~.

(b) "Persons in federal services" ~~shall mean and include means:~~ (1) Members of the armed forces of the United States, while in the active service, and their spouses and dependents; (2) members of the merchant marine of the United States and their spouses and dependents; and (3) citizens of the United States residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

"Persons in federal service" ~~shall~~ does not include any person who has failed to respond to a selective service call as certified by the local draft board to the county election officer, ~~and shall not include any person or~~ who is a deserter from any United States military service.

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Sec. 6. K.S.A. 25-610, 25-612, 25-615, 25-616 and 25-1310 are hereby repealed.

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

Approved April 18, 1984.

CHAPTER 140

House Bill No. 3068

AN ACT relating to elections; concerning absentee voting; providing for permanent absentee voter status; amending K.S.A. 25-1122d and 25-1123 and K.S.A. 1983 Supp. 25-1122 and repealing the existing sections.

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

Section 1. K.S.A. 1983 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any person described in K.S.A. 25-1119, and amendments thereto, or any qualified elector of such person's county of residence, on behalf of such person, may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an absentee ballot.

(b) Applications made by or on behalf of persons specified in subsection (a) of K.S.A. 25-1119, and amendments thereto, for absentee ballots to be transmitted to the voter by mail or by the person making application on behalf of the voter shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April first 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

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

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

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

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

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

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

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

(c) Applications made by persons specified in subsection (a) of K.S.A. 25-1119, *and amendments thereto*, for ballots to be transmitted to the voter in person in the office of the county election officer shall be filed only on the Tuesday next preceding the election or such earlier date as the county election officer may designate, on each subsequent business day and, if the county election officer so provides, on Saturday, until ~~12 o'clock~~ 12:00 noon on the day preceding such election. Upon receipt of any such application, properly executed, the county election officer shall deliver to the voter, in the ballot envelope, such ballots and instructions as are provided for in this act.

(d) *Except as otherwise provided in subsection (e)*, applications made by or on behalf of persons specified in subsection (b) of K.S.A. 25-1119, *and amendments thereto*, for absentee ballots to be transmitted to the voter by mail, messenger or by the person making application on behalf of the voter shall be filed not more than 90 days prior to the election or later than ~~12 o'clock~~ 12:00 noon on the day of such election.

(e) *Any person having a permanent physical disability or an illness which has been diagnosed as a permanent illness who would be qualified to vote an absentee ballot pursuant to subsection (b) of K.S.A. 25-1119, and amendments thereto, is hereby authorized to make or to have made on their behalf an application for permanent absentee voter status. Applications for permanent absentee voter status shall be in the form and contain such information as is required for application for*

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absentee ballots but shall also contain information which establishes the voter's right to permanent absentee voter status.

(e) (f) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, or in whose behalf such applications have been filed, together with their correct post-office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant, which names and addresses shall remain so listed until the day of such election available for inspection upon request in compliance with this subsection (e) by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each such person, which record shall conform to the list above required. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent absentee voter status. Before inspection of any absentee ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the identifying number on ballots and ballot envelopes and records of such number shall in no case be made public.

Sec. 2. K.S.A. 25-1122d is hereby amended to read as follows: 25-1122d. (a) If the application for an absentee ballot is made by the person desiring to vote an absentee ballot, such application shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of _____ and State of Kansas Desiring to Vote an Absentee Ballot
State of _____, County of _____, ss:

I, _____,
(Please print name)
do solemnly affirm that I am a qualified elector of the _____
precinct of the _____ ward, residing at number _____
_____ on _____ street, city
of _____, or in the township of _____, county of
_____, and state of Kansas, and that I am entitled to vote an
absentee ballot and that because of my (absence from the county) (sickness or
physical disability) (religious belief or practice) I will be unable to attend and

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25-1119 and amendments thereto, upon receiving any ballot transmitted to such person as provided in this act, shall cast ~~his or her~~ *their* vote as follows: The voter shall make a cross or check mark in the square or parenthesis opposite the name of each ~~person candidate or question~~ for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. The voter shall then personally place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall then fill out in full the form on the ballot envelope and shall sign the same. The ballot envelope shall be mailed or otherwise transmitted ~~by the voter~~ to the county election officer.

(b) *Any sick, physically disabled or illiterate voter who is unable to mark or transmit an absentee ballot and who has received an absentee ballot pursuant to K.S.A. 25-1119(b) and amendments thereto, may request assistance in marking or transmitting an absentee ballot.*

(c) *The county election officer shall allow a person to assist a sick, physically disabled or illiterate voter in marking and transmitting an absentee ballot, provided an affidavit is signed by the person who renders assistance to the sick, physically disabled or illiterate voter and submitted to the county election officer with the absentee ballot. The affidavit shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the sick, physically disabled or illiterate voter and that the person providing assistance has marked the ballot as instructed by the sick or physically disabled voter.*

(d) *Any person assisting a sick, physically disabled or illiterate voter in marking and transmitting an absentee ballot who knowingly and willfully fails to sign and submit the affidavit required by this section shall be guilty of a class E felony.*

25-1122e
 Sec. 2. K.S.A. 1983 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any person described in K.S.A. 25-1119, and amendments thereto, or any qualified elector of such person's county of residence, on behalf of such person, may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an absentee ballot.

(b) Applications made by or on behalf of persons specified in subsection (a) of K.S.A. 25-1119, and amendments thereto, for absentee ballots to be transmitted to the voter by mail or by the person making application on behalf of the voter shall be filed only at the following times:

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(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April first of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January first of the year of such election and the last business day of the week preceding such primary election.

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

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

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

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

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

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

(c) Applications made by persons specified in ~~subsection (a)~~ of K.S.A. 25-1119, and amendments thereto, for ballots to be transmitted to the voter in person in the office of the county election officer shall be filed only on the Tuesday next preceding the election or such earlier date as the county election officer may designate, on each subsequent business day and, if the county election officer so provides, on Saturday, until 12 o'clock noon on the day preceding such election. Upon receipt of any such application, properly executed, the county election officer

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shall deliver to the voter, in the ballot envelope, such ballots and instructions as are provided for in this act.

(d) Applications made by or on behalf of persons specified in subsection (b) of K.S.A. 25-1119, *and amendments thereto*, for absentee ballots to be transmitted to the voter by mail, messenger or by the person making application on behalf of the voter shall be filed not more than 90 days prior to the election or later than 12 o'clock noon on the day of such election.

(e) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, or in whose behalf such applications have been filed, together with their correct post-office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant, which names and addresses shall remain so listed until the day of such election available for inspection upon request in compliance with this subsection (e) by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each such person, which record shall conform to the list above required. Before inspection of any absentee ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the identifying number on ballots and ballot envelopes and records of such number shall in no case be made public.

Sec. 3. K.S.A. 25-1122a is hereby amended to read as follows: 25-1122a. The county election officer of any county in which voting machines are used may authorize persons filing applications for absentee ballots as provided by ~~subsection (e)~~ of K.S.A. 25-1122, *and amendments thereto*, to cast their votes upon voting machines. If the county election officer authorizes the use of voting machines by absentee voters ~~said~~ *such* officer shall equip the office of the county election officer with enough voting machines to enable all absentee voters to cast their votes upon such machines.

Such machines shall be of a make certified by the secretary of

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turn them over to the state treasurer, if deposited with the secretary of state, or to the county treasurer, if deposited with the county election officer, and the funds shall become a part of the general fund of the respective government.

Such declaration shall be in substantially the following form, prescribed by the secretary of state and shall be attested before a county election officer or deputy county election officer in the case of county and township offices, and before a county election officer, the secretary of state or a deputy of one of such officers in the case of state and national offices, and a notary public in the case of precinct committeemen and committeewomen.

I, _____, Kansas, _____, 19____,
(insert name exactly as it is to appear on official primary ballot)
the undersigned, residing at _____,
(Here give post office address)
in the township of _____, county of _____,
(or at number _____ on _____ street, city
of _____) and state of Kansas, and
a member of the _____ party, hereby declare my
intention to become, and that I am and will be, a candidate for the office of

(Here specify the office sought, giving number of district
if appropriate, and state whether regular or unexpired term
and other particulars)

to be voted for at the primary election to be held on the first Tuesday in
August, 19____, as representing the principles of said party.

Fee enclosed, \$_____
State of Kansas, County of _____, ss:

The above named _____ personally appeared before me and is
personally known to me to be the same person who executed the foregoing
instrument of writing and duly acknowledged the same.

In Testimony Whereof, I have hereunto subscribed my name and affixed
my seal, this _____ day of _____, 19____.
(seal)

Appropriate Officer

(b) When a candidate for the office of district magistrate judge,
in lieu of nomination papers petitions, files a declaration of intent
intention to become a candidate for such office, the declaration shall
be in the same form and subject to the same method of attestation
as provided for other state officers in subsection (a) and the required
fee to accompany the declaration shall be \$100.

Sec. 5. K.S.A. 25-208 is hereby amended to read as follows: 25-
208. All nomination papers petitions and declarations of candidates
shall be filed as follows: (1) For state officers, United States senator,
representatives in congress, in the office of the secretary of state.
(2) For all county and township officers and precinct committeemen
and committeewomen, in the office of the county election officer.

25-208

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residing at _____
Street or RR, city
 and state of Kansas; and members of the _____ party, hereby declare our intention to become; and that we are and will be, candidates for the office of governor and lieutenant governor, respectively, to be voted for at the primary election to be held on the first Tuesday in August 19____, as representing the principles of such party.
 Fee enclosed, \$_____

 Candidate for governor

 Candidate for lieutenant governor

State of Kansas, County of _____, ss:
 The above named _____ personally appeared before me and are personally known to me to be the same persons who executed the foregoing instrument of writing and duly acknowledged the same.
 In Testimony Whereof, I have heronunto subscribed my name and affixed my seal, this _____ day of _____, 19____.

 Secretary of State

(Seal)
 Sec. 11. K.S.A. 20-2908, 25-202, 25-206, 25-208, 25-208a, 25-308, 25-2020, 25-3601 and 25-4006 and K.S.A. 1988 Supp. 25-205 are hereby repealed.

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

Approved April 11, 1989.

CHAPTER 107
 Senate Bill No. 117

AN ACT concerning petitions; application of statutes; amending K.S.A. 25-208, 25-208a, 25-308 and 25-3601 and repealing the existing sections.

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

Section 1. K.S.A. 25-208 is hereby amended to read as follows: 25-208. All nomination ~~papers~~ *petitions* and declarations of candidates shall be filed as follows: (1) For state officers, United States senator, representatives in congress, in the office of the secretary of state. (2) For all county and township officers and precinct committeemen and committeewomen, in the office of the county election officer.

Sec. 2. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a) Within ~~three~~ (3) 10 days, *Saturdays, Sundays and holidays not included*, from the date of the filing of nomination ~~papers~~ *petitions* or a declaration of intent by a candidate for United States

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25-208c

Sec. 6. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a) Within ~~three~~ (3) 10 days from the date of the filing of nomination ~~papers~~ petitions or a declaration of ~~intent~~ by intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such ~~papers~~ petitions or declaration. *The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.*

(b) Within three (3) days from the date of the filing of nomination ~~papers~~ petitions or a declaration of ~~intent~~ by intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such ~~papers~~ petitions or declaration.

(c) If any nomination ~~papers~~ petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the ~~papers~~ petitions or declaration was filed that such nomination ~~papers~~ petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by secretary of state or the county election officer in accordance with K.S.A. 25-308 and amendments thereto.

Sec. 7. K.S.A. 25-308 is hereby amended to read as follows: 25-308. (a) Any certificate of nomination, nomination ~~papers~~ petitions or declaration of ~~intent~~ intention to become a candidate, filed or issued in apparent conformity with law, shall be deemed to be valid unless:

(1) Objection thereto is made in writing within three (3) days from the date the certificate, ~~papers~~ petitions or declaration is filed with or issued by the proper officers; or

(2) in the case of nomination ~~papers~~ petitions and declarations of ~~intent~~ intention to become a candidate, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a and amendments thereto.

(b) If the secretary of state or the county election officer finds any nomination ~~papers~~ petitions or declaration of ~~intent~~ intention to become a candidate to be invalid pursuant to K.S.A. 25-208a and amendments thereto, the candidate on whose behalf the ~~papers~~ petitions or declaration was filed may make objection to such finding

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residing at _____

Street or RR, city

and state of Kansas; and members of the _____ party, hereby declare our intention to become, and that we are and will be, candidates for the office of governor and lieutenant governor, respectively, to be voted for at the primary election to be held on the first Tuesday in August 19____, as representing the principles of such party.

Fee enclosed, \$_____.

Candidate for governor

Candidate for lieutenant governor

State of Kansas, County of _____; ss:

The above named _____ personally appeared before me and are personally known to me to be the same persons who executed the foregoing instrument of writing and duly acknowledged the same.

In Testimony Whereof, I have hereunto subscribed my name and affixed my seal, this _____ day of _____, 19____.

Secretary of State

(Seal)

Sec. 11. K.S.A. 20-2908, 25-202, 25-206, 25-208, 25-208a, 25-308, 25-2020, 25-3601 and 25-4006 and K.S.A. 1988 Supp. 25-205 are hereby repealed.

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

Approved April 11, 1989.

CHAPTER 107
Senate Bill No. 117

AN ACT concerning petitions; application of statutes; amending K.S.A. 25-208, 25-208a, 25-308 and 25-3601 and repealing the existing sections.

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

Section 1. K.S.A. 25-208 is hereby amended to read as follows: 25-208. All nomination ~~papers~~ *petitions* and declarations of candidates shall be filed as follows: (1) For state officers, United States senator, representatives in congress, in the office of the secretary of state. (2) For all county and township officers and precinct committeemen and committeewomen, in the office of the county election officer.

Sec. 2. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a) Within ~~three~~ (3) 10 days, *Saturdays, Sundays and holidays not included*, from the date of the filing of nomination ~~papers~~ *petitions* or a declaration of intent by a candidate for United States

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senator or representative or for state office, the secretary of state shall determine the validity of such ~~papers~~ petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days, Saturdays, Sundays and holidays not included, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

(b) Within three (~~3~~) days from the date of the filing of nomination ~~papers~~ petitions or a declaration of intent by a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such ~~papers~~ petitions or declaration.

(c) If any nomination ~~papers~~ petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the ~~papers~~ petitions or declaration was filed that such nomination ~~papers~~ petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by secretary of state or the county election officer in accordance with K.S.A. 25-308 and amendments thereto.

Sec. 3. K.S.A. 25-308 is hereby amended to read as follows: 25-308. (a) Any certificate of nomination, nomination ~~papers~~ petitions or declaration of intent, filed or issued in apparent conformity with law, shall be deemed to be valid unless:

(1) Objection thereto is made in writing within three (~~3~~) days from the date the certificate, ~~papers~~ petitions or declaration is filed with or issued by the proper officers; or

(2) in the case of nomination ~~papers~~ petitions and declarations of intent, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a and amendments thereto.

(b) If the secretary of state or the county election officer finds any nomination ~~papers~~ petitions or declaration of intent to be invalid pursuant to K.S.A. 25-208a and amendments thereto, the candidate on whose behalf the ~~papers~~ petitions or declaration was filed may make objection to such finding in writing within three (~~3~~) days of receipt by the candidate of notice of such finding.

(c) In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state, and attorney

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Sec. 6. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a) Within ~~three~~ (3) 10 days from the date of the filing of nomination ~~papers~~ petitions or a declaration of ~~intent~~ by intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such ~~papers~~ petitions or declaration. *The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.*

(b) Within three (3) days from the date of the filing of nomination ~~papers~~ petitions or a declaration of ~~intent~~ by intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such ~~papers~~ petitions or declaration.

(c) If any nomination ~~papers~~ petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the ~~papers~~ petitions or declaration was filed that such nomination ~~papers~~ petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by secretary of state or the county election officer in accordance with K.S.A. 25-308 and amendments thereto.

25-308a

Sec. 7. K.S.A. 25-308 is hereby amended to read as follows: 25-308. (a) Any certificate of nomination, nomination ~~papers~~ petitions or declaration of ~~intent~~ intention to become a candidate, filed or issued in apparent conformity with law, shall be deemed to be valid unless:

(1) Objection thereto is made in writing within three (3) days from the date the certificate, ~~papers~~ petitions or declaration is filed with or issued by the proper officers; or

(2) in the case of nomination ~~papers~~ petitions and declarations of ~~intent~~ intention to become a candidate, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a and amendments thereto.

(b) If the secretary of state or the county election officer finds any nomination ~~papers~~ petitions or declaration of ~~intent~~ intention to become a candidate to be invalid pursuant to K.S.A. 25-208a and amendments thereto, the candidate on whose behalf the ~~papers~~ petitions or declaration was filed may make objection to such finding

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in writing within three ~~(3)~~ days of receipt by the candidate of notice of such finding.

(c) In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state, and attorney general, and a decision of a majority of these officers shall be final. In the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, clerk of the district court and county attorney or district attorney, and a decision of a majority of these officers shall be final.

(d) In any case where objection is made, notice shall forthwith be given, by the officer with whom the objections are filed, to the other officers required to determine the matter and to the candidates affected thereby, addressed in the case of candidates to their places of residence as given in the nomination ~~papers~~ petitions, declaration of ~~intent~~ intention to become a candidate or certificate of nomination. The notice shall state the time when the objection will be considered, which shall be not more than five ~~(5)~~ days following the giving of such notice in the case of nomination of a national or state officer and not more than three ~~(3)~~ days following the giving of such notice in the case of nomination of a county, township, city or school officer, and the place where such objections will be considered.

(e) The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436 and amendments thereto. The officers determining any objections under this section may assess any costs arising therefrom to either the objector or objectee in accordance with the determination made. Such costs shall be paid to the secretary of state or the county election officer, as the case may be, and deposited thereby in the treasury of the state or county to the credit of its general fund. If such costs are not paid within ~~ten~~ ~~(10)~~ 10 days after the same are fixed, the secretary of state or county election officer shall make a certificate of the facts and file it with the clerk of the district court in the county where the person owing the same resides, and such clerk of the district court shall cause the same to be collected as in cases of collection of court costs, and when so collected the same shall be disposed of as are court costs in such district court.

(f) All mandamus proceedings to compel an officer to certify and place upon the ballot any name or names, and all injunction proceedings to restrain an officer from certifying and placing upon the ballot any name or names, must be commenced not less than ~~thirty~~ ~~(30)~~ 30 days before the election.

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senator or representative or for state office, the secretary of state shall determine the validity of such ~~papers~~ petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days, Saturdays, Sundays and holidays not included, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

(b) Within three ~~(3)~~ days from the date of the filing of nomination ~~papers~~ petitions or a declaration of intent by a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such ~~papers~~ petitions or declaration.

(c) If any nomination ~~papers~~ petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the ~~papers~~ petitions or declaration was filed that such nomination ~~papers~~ petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by secretary of state or the county election officer in accordance with K.S.A. 25-308 and amendments thereto.

Sec. 3. K.S.A. 25-308 is hereby amended to read as follows: 25-308. (a) Any certificate of nomination, nomination ~~papers~~ petitions or declaration of intent, filed or issued in apparent conformity with law, shall be deemed to be valid unless:

(1) Objection thereto is made in writing within three ~~(3)~~ days from the date the certificate, ~~papers~~ petitions or declaration is filed with or issued by the proper officers; or

(2) in the case of nomination ~~papers~~ petitions and declarations of intent, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a and amendments thereto.

(b) If the secretary of state or the county election officer finds any nomination ~~papers~~ petitions or declaration of intent to be invalid pursuant to K.S.A. 25-208a and amendments thereto, the candidate on whose behalf the ~~papers~~ petitions or declaration was filed may make objection to such finding in writing within three ~~(3)~~ days of receipt by the candidate of notice of such finding.

(c) In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state, and attorney

general, and a decision of a majority of these officers shall be final. In the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, clerk of the district court and county attorney or district attorney, and a decision of a majority of these officers shall be final.

(d) In any case where objection is made, notice shall forthwith be given, by the officer with whom the objections are filed, to the other officers required to determine the matter and to the candidates affected thereby, addressed in the case of candidates to their places of residence as given in the nomination ~~papers~~ petitions, declaration of intent or certificate of nomination. The notice shall state the time when the objection will be considered, which shall be not more than five ~~(5)~~ days following the giving of such notice in the case of nomination of a national or state officer and not more than three ~~(3)~~ days following the giving of such notice in the case of nomination of a county, township, city or school officer, and the place where such objections will be considered.

(e) The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436 and amendments thereto. The officers determining any objections under this section may assess any costs arising therefrom to either the objector or objectee in accordance with the determination made. Such costs shall be paid to the secretary of state or the county election officer, as the case may be, and deposited thereby in the treasury of the state or county to the credit of its general fund. If such costs are not paid within ~~ten (10)~~ 10 days after the same are fixed, the secretary of state or county election officer shall make a certificate of the facts and file it with the clerk of the district court in the county where the person owing the same resides, and such clerk of the district court shall cause the same to be collected as in cases of collection of court costs, and when so collected the same shall be disposed of as are court costs in such district court.

(f) All mandamus proceedings to compel an officer to certify and place upon the ballot any name or names, and all injunction proceedings to restrain an officer from certifying and placing upon the ballot any name or names, must be commenced not less than ~~thirty (30)~~ 30 days before the election.

Sec. 4. K.S.A. 25-3601 is hereby amended to read as follows: 25-3601. ~~Whenever~~ When under the laws of this state a petition is required or authorized as a part of the procedure applicable to the state as a whole or any legislative election district or to any county, city, school district or other municipality, or part thereof, the pro-