

HOUSE BILL No. 2056

By Committee on Elections

Requested by Clay Barker on behalf of the Secretary of State

1-22

1 AN ACT concerning elections; relating to nominations for elected office;
2 specifying the procedures for accepting a nomination for an elected
3 office based on the form of nomination used; imposing restrictions on
4 using multiple nomination procedures; amending K.S.A. 25-302, 25-
5 304 and 25-306 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 25-302 is hereby amended to read as follows: 25-
9 302. (a) Any recognized political party, except those authorized to
10 participate in a primary election pursuant to K.S.A. 25-202, and
11 amendments thereto, may by means of a delegate or mass convention or
12 caucus of qualified voters belonging to such party for the state or
13 municipality, or any lawfully organized portion of either, for which such
14 convention or caucus is held, nominate one person for each office that is to
15 be filled ~~therein~~ at the next ensuing election, ~~and~~. Subject to the
16 provisions of this act, *such political party shall* file a certificate of such
17 nominations so made. A convention or caucus for nominating persons for
18 national, state, district, or county offices shall be called by the state
19 chairperson of the party, or if there be no state chairperson by the party's
20 candidate for governor at the preceding general election.

21 ~~Every such~~(b) *Each certificate of nomination shall be signed by the*
22 *presiding officer and a the secretary of the convention or caucus making*
23 *such nominations. In each case* The persons signing the certificates shall
24 ~~add to their signatures their places~~ *include each such person's place of*
25 *residence with each such person's signature*, and shall make and subscribe
26 an oath that, to the best of ~~their~~ *such person's* knowledge and belief, such
27 certificates and the statements therein made are true; ~~and~~. A certificate that
28 such oath has been taken and administered shall be made and signed on
29 such certificate of nomination by the officer before whom ~~the same such~~
30 *oath* was taken.

31 (c) *A person listed on a certificate of nomination shall submit a*
32 *signed declaration stating that such person accepts the nomination of the*
33 *party submitting such certificate of nomination for the designated office.*
34 *Such declaration shall be acknowledged by an individual authorized to*
35 *perform notarial acts in this state pursuant to K.S.A. 53-5a10, and*

1 *amendments thereto. No person shall be a party's nominee pursuant to this*
2 *section until such declaration is submitted in accordance with this act.*

3 Sec. 2. K.S.A. 25-304 is hereby amended to read as follows: 25-304.

4 (a) All certificates of nomination shall be in writing, ~~shall~~ *and* contain the
5 name of each person nominated, ~~with~~ such person's residence and the
6 office for which *such person is* nominated.

7 (b) Party certificates of nomination *issued by a party convention or*
8 *caucus pursuant to K.S.A. 25-302, and amendments thereto, by the*
9 *secretary of state pursuant to K.S.A. 25-3205, and amendments thereto, or*
10 *by a county election officer pursuant to K.S.A. 25-3110, and amendments*
11 *thereto, shall designate the political party* ~~which~~ *that* the convention,
12 primary election or caucus making the nominations represented.

13 (c) When electors for president and ~~vice-president~~ *vice president* of
14 the United States are nominated, the names of the candidates for president
15 and ~~vice-president~~ *vice president* may also be shown on the certificates.
16 Independent nomination petitions for presidential electors shall contain the
17 names of each elector and the names of the candidates for president and
18 ~~vice-president~~ *vice president* of the United States, together with the
19 residence of each elector and candidate.

20 (d) The provisions of this section shall not apply to city or school
21 elections, nor to the election of officers for which it is provided by law to
22 be elected at the time of city and school elections.

23 Sec. 3. K.S.A. 25-306 is hereby amended to read as follows: 25-306.
24 ~~Unless a person declines a nomination pursuant to K.S.A. 25-306e, and~~
25 ~~amendments thereto, withdraws from candidacy pursuant to K.S.A. 25-~~
26 ~~306a, and amendments thereto, or withdraws from a nomination pursuant~~
27 ~~to K.S.A. 25-306b, and amendments thereto:~~

28 (a) No person ~~shall be eligible to~~ *may* accept more than one nomination
29 for the same office.

30 (b) ~~No person shall be eligible for nomination to an office pursuant to~~
31 ~~K.S.A. 25-303 or 25-304, and amendments thereto, if such person has filed~~
32 ~~either a declaration of intention to become a candidate for the same office~~
33 ~~or has filed a nomination petition for the same office~~ (1) *If a person has:*
34 (A) *Received and accepted a party nomination pursuant to K.S.A. 25-302,*
35 *and amendments thereto; (B) filed a declaration of intention to become a*
36 *candidate for an office pursuant to K.S.A. 25-206, and amendments*
37 *thereto; or (C) filed a valid nomination petition to be an independent*
38 *candidate pursuant to K.S.A. 25-303, and amendments thereto, such*
39 *person shall not become a candidate for a different political party or as an*
40 *independent candidate for office at a general election through either of the*
41 *two procedures not previously used by such person unless such person has*
42 *satisfied the provisions of paragraph (2).*

43 (2) *A person who has met one of the conditions described in*

1 *paragraph (1) shall only become a candidate for a different political party*
2 *or as an independent candidate for office at a general election through*
3 *one of the other procedures described in paragraph (1) if, prior to the*
4 *filing deadline established by K.S.A. 25-205, and amendments thereto,*
5 *such person has: (A) Declined a party nomination pursuant to K.S.A. 25-*
6 *306e, and amendments thereto; (B) withdrawn from candidacy after*
7 *nomination pursuant to K.S.A. 25-306a, and amendments thereto; or (C)*
8 *withdrawn from a nomination pursuant to K.S.A. 25-306b, and*
9 *amendments thereto.*

10 (c) ~~No person shall be eligible to file either a declaration of intention~~
11 ~~to become a candidate for an office or a nomination petition for an office if~~
12 ~~such person has accepted a nomination for the same office pursuant to~~
13 ~~K.S.A. 25-303 or 25-304, and amendments thereto~~*The provisions of this*
14 *section shall be enforced by the secretary of state for all federal and state*
15 *elected offices and by the appropriate county election officer for all county*
16 *and township elected offices.*

17 Sec. 4. K.S.A. 25-302, 25-304 and 25-306 are hereby repealed.

18 Sec. 5. This act shall take effect and be in force from and after its
19 publication in the statute book.