

HOUSE BILL No. 2791

By Committee on Appropriations

4-25

1 AN ACT concerning elections; relating to primary elections, candidate
2 filings and related procedures; amending K.S.A. 25-203 and 25-3205
3 and K.S.A. 2011 Supp. 25-205, 25-1122, 25-3203, 25-3904 and 25-
4 3904a and repealing the existing sections.
5

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

7 Section 1. K.S.A. 25-203 is hereby amended to read as follows: 25-
8 203. (a) Except as otherwise provided in subsection (b), the primary
9 national, state, county and township election shall be held on the first
10 Tuesday of August in even-numbered years for the nomination of all
11 candidates to be voted for at the next following general election.

12 (b) In the year ~~1992~~ 2012, if new boundary lines are defined and
13 districts established in the manner prescribed by law for the offices of
14 representative in the United States congress, senator and representative in
15 the legislature of the state of Kansas, and member of the state board of
16 education, on or after ~~June 13, 1992~~ May 15, 2012, the primary national,
17 state, county and township election shall be held on August ~~25, 1992~~ 28,
18 2012, for the nomination of all candidates to be voted for at the next
19 following general election.

20 Sec. 2. K.S.A. 2011 Supp. 25-205 is hereby amended to read as
21 follows: 25-205. (a) Except as otherwise provided in this section, the
22 names of candidates for national, state, county and township offices shall
23 be printed upon the official primary ballot when each shall have qualified
24 to become a candidate by one of the following methods and none other: (1)
25 They shall have had filed in their behalf, not later than 12 noon, June 1,
26 prior to such primary election, or if such date falls on Saturday, Sunday or
27 a holiday, then before 12 noon of the next following day that is not a
28 Saturday, Sunday or a holiday, nomination petitions, as provided for in this
29 act; or (2) they shall have filed not later than the time for filing nomination
30 petitions, as above provided, with the proper officer a declaration of
31 intention to become a candidate, accompanied by the fee required by law.
32 Such declaration shall be prescribed by the secretary of state.

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

34 I, the undersigned, an elector of the county of _____, and
35 state of Kansas, and a duly registered voter, and a member of
36 _____ party, hereby nominate _____, who resides in

1 the township of _____ (or at number _____ on
 2 _____ street, city of _____), in the county of
 3 _____ and state of Kansas, as a candidate for the office of (here
 4 specify the office) _____, to be voted for at the primary
 5 election to be held on the first Tuesday in August in _____, as
 6 representing the principles of such party; and I further declare that I intend
 7 to support the candidate herein named and that I have not signed and will
 8 not sign any nomination petition for any other person, for such office at
 9 such primary election.

10 (HEADING)

11 Name of	Street Number	Name of	Date of
12 Signers.	or Rural Route	City.	Signing.
13	(as registered).		
14			

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

18 (c) Each signer of a nomination petition shall sign but one such
 19 petition for the same office, and shall declare that such person intends to
 20 support the candidate therein named, and shall add to such person's
 21 signature and residence, if in a city, by street and number (, if any); or,
 22 otherwise by post-office address. No signature shall be counted unless the
 23 place of residence of the signer is clearly indicated and the date of signing
 24 given as herein required and if ditto marks are used to indicate address
 25 they shall be continuous and clearly made. Such sheets shall not be cut or
 26 pasted together.

27 (d) All signers of each separate nomination petition shall reside in the
 28 same county and election district of the office sought. The affidavit
 29 described in this paragraph of a petition circulator who is a resident of the
 30 state of Kansas and has the qualifications of an elector in the state of
 31 Kansas or of the candidate shall be appended to each petition and shall
 32 contain, at the end of each set of documents carried by each circulator, a
 33 verification, signed by the circulator or the candidate, to the effect that
 34 such circulator or the candidate personally witnessed the signing of the
 35 petition by each person whose name appears thereon.

36 (e) Except as otherwise provided in subsection (g), nomination
 37 petitions shall be signed:

38 (1) If for a state officer elected on a statewide basis or for the office
 39 of United States senator, by voters equal in number to not less than 1% of
 40 the total of the current voter registration of the party designated in the state
 41 as compiled by the office of the secretary of state;

42 (2) if for a state or national officer elected on less than a statewide
 43 basis, by voters equal in number to not less than 2% of the total of the

1 current voter registration of the party designated in such district as
2 compiled by the office of the secretary of state, except that for the office of
3 district magistrate judge, by not less than 2% of the total of the current
4 voter registration of the party designated in the county in which such office
5 is to be filled as certified to the secretary of state in accordance with
6 K.S.A. 25-3302, and amendments thereto;

7 (3) if for a county office, by voters equal in number to not less than
8 3% of the total of the current voter registration of the party designated in
9 such district or county as compiled by the county election officer and
10 certified to the secretary of state in accordance with K.S.A. 25-3302, and
11 amendments thereto; and

12 (4) if for a township office, by voters equal in number to not less than
13 3% of the total of the current voter registration of the party designated in
14 such township as compiled by the county election officer and certified to
15 the secretary of state in accordance with K.S.A. 25-3302, and amendments
16 thereto.

17 (f) Subject to the requirements of K.S.A. 25-202, and amendments
18 thereto, any political organization filing nomination petitions for a
19 majority of the state or county offices, as provided in this act, shall have a
20 separate primary election ballot as a political party and, upon receipt of
21 such nomination petitions, the respective officers shall prepare a separate
22 state and county ballot for such new party in their respective counties or
23 districts thereof in the same manner as is provided for existing parties.

24 (g) In any year in which districts are reapportioned for the offices of
25 representative in the United States congress, senator and representative in
26 the legislature of the state of Kansas or member of the state board of
27 education:

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

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

38 (A) For the office of representative in the United States congress
39 1,000 registered voters;

40 (B) for the office of member of the state board of education 300
41 registered voters;

42 (C) for the office of state senator 75 registered voters; and

43 (D) for the office of state representative 25 registered voters.

1 (h) *Except as otherwise provided in subsection (i), in any year in*
2 *which districts are reapportioned for the offices of representative in the*
3 *United States congress, senator and representative in the legislature of the*
4 *state of Kansas or member of the state board of education:*

5 (1) *If new boundary lines are defined and districts established in the*
6 *manner prescribed by law on or before May 10, the deadline for filing*
7 *nomination petitions and declarations of intention to become a candidate*
8 *for such office, accompanied by the fee required by law, shall be 12 noon*
9 *on June 1, or if such date falls on a Saturday, Sunday or a holiday, then*
10 *before 12 noon of the next following day that is not a Saturday, Sunday or*
11 *holiday.*

12 (2) *If new boundary lines are defined and districts established in the*
13 *manner prescribed by law on or after May 11, the deadline for filing*
14 *nomination petitions and declarations of intention to become a candidate*
15 *for such office, accompanied by the fee required by law, shall be 12 noon*
16 *on June 10, or if such date falls on a Saturday, Sunday or holiday, then*
17 *before 12 noon of the next day that is not a Saturday, Sunday or holiday.*

18 (i) (1) *In the year 2012, if new boundary lines are defined and*
19 *districts established in the manner prescribed by law on or before May 14,*
20 *2012, the deadline for filing nomination petitions and declarations of*
21 *intention to become a candidate for such office, accompanied by the fee*
22 *required by law, shall be 12 noon on June 10, 2012, or if such date falls on*
23 *a Saturday, Sunday or a holiday, then before 12 noon of the next following*
24 *day that is not a Saturday, Sunday or holiday.*

25 (2) *In the year 2012, if new boundary lines are defined and districts*
26 *established in the manner prescribed by law on or after May 15, 2012, the*
27 *deadline for filing nomination petitions and declarations of intention to*
28 *become a candidate for such office, accompanied by the fee required by*
29 *law, shall be 12 noon on July 1, 2012, or if such date falls on a Saturday,*
30 *Sunday or holiday, then before 12 noon of the next day that is not a*
31 *Saturday, Sunday or holiday.*

32 Sec. 3. K.S.A. 2011 Supp. 25-1122 is hereby amended to read as
33 follows: 25-1122. (a) Any registered voter may file with the county
34 election officer where such person is a resident, or where such person is
35 authorized by law to vote as a former precinct resident, an application for
36 an advance voting ballot. The signed application shall be transmitted only
37 to the county election officer by personal delivery, mail, facsimile or as
38 otherwise provided by law.

39 (b) If the registered voter is applying for an advance voting ballot to
40 be transmitted in person, such voter shall provide identification pursuant to
41 K.S.A. 25-2908, and amendments thereto.

42 (c) If the registered voter is applying for an advance voting ballot to
43 be transmitted by mail, such voter shall provide with the application for an

1 advance voting ballot the voter's current and valid Kansas driver's license
2 number, nondriver's identification card number or a photocopy of any
3 other identification provided by K.S.A. 25-2908, and amendments thereto.

4 (d) A voter may vote a provisional ballot according to K.S.A. 25-
5 409, and amendments thereto, if:

6 (1) The voter is unable or refuses to provide current and valid
7 identification; or

8 (2) the name and address of the voter provided on the application for
9 an advance voting ballot do not match the voter's name and address on the
10 registration book. The voter shall provide a valid form of identification as
11 defined in K.S.A. 25-2908, and amendments thereto, to the county election
12 officer in person or provide a copy by mail or electronic means before the
13 meeting of the county board of canvassers. At the meeting of the county
14 board of canvassers the county election officer shall present copies of
15 identification received from provisional voters and the corresponding
16 provisional ballots. If the county board of canvassers determines that a
17 voter's identification is valid and the provisional ballot was properly cast,
18 the ballot shall be counted.

19 (e) No county election officer shall provide an advance voting ballot
20 to a person who is requesting an advance voting ballot to be transmitted by
21 mail unless:

22 (1) The county election official verifies that the signature of the
23 person matches that on file in the county voter registration records.
24 Signature verification may occur by electronic device or by human
25 inspection. In the event that the signature of a person who is requesting an
26 advance voting ballot does not match that on file, the county election
27 officer shall attempt to contact the person and shall offer the person
28 another opportunity to provide such person's signature for the purposes of
29 verifying the person's identity. If the county election officer is unable to
30 reach the person, the county election officer may transmit a provisional
31 ballot, however, such provisional ballot may not be counted unless a
32 signature is included therewith that can be verified; and

33 (2) the person provides such person's full Kansas driver's license
34 number, Kansas nondriver's identification card number issued by the
35 division of vehicles, or submits such person's application for an advance
36 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
37 amendments thereto, to the county election officer for verification. If a
38 person applies for an advance voting ballot to be transmitted by mail but
39 fails to provide identification pursuant to this subsection or the
40 identification of such person cannot be verified by the county election
41 officer, the county election officer shall provide information to such person
42 regarding the voter rights provisions of subsection (d) and shall provide
43 such person an opportunity to provide identification pursuant to this

1 subsection. For the purposes of this act, Kansas state offices and offices of
2 any subdivision of the state will allow any person seeking to vote by an
3 advance voting ballot the use of a photocopying device to make one
4 photocopy of an identification document at no cost.

5 (f) Applications for advance voting ballots to be transmitted to the
6 voter by mail shall be filed only at the following times:

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

10 (2) *In the year 2012, for a primary election held on August 28, 2012,*
11 *between April 1, 2012, and August 24, 2012.*

12 ~~(2)~~ (3) For the general election occurring on the Tuesday succeeding
13 the first Monday in November in even-numbered years, between 90 days
14 prior to such election and the last business day of the week preceding such
15 general election.

16 ~~(3)~~ (4) For the primary election held five weeks preceding the first
17 Tuesday in April, between January 1 of the year of such election and the
18 last business day of the week preceding such primary election.

19 ~~(4)~~ (5) For the general election occurring on the first Tuesday in
20 April, between January 1 of the year of such election and the last business
21 day of the week preceding such general election.

22 ~~(5)~~ (6) For question submitted elections occurring on the date of a
23 primary or general election, the same as is provided for ballots for election
24 of officers at such election.

25 ~~(6)~~ (7) For question submitted elections not occurring on the date of a
26 primary or general election, between the time of the first published notice
27 thereof and the last business day of the week preceding such question
28 submitted election, except that if the question submitted election is held on
29 a day other than a Tuesday, the county election officer shall determine the
30 final date for mailing of advance voting ballots, but such date shall not be
31 more than three business days before such election.

32 ~~(7)~~ (8) For any special election of officers, at such time as is specified
33 by the secretary of state.

34 ~~(8)~~ (9) For the presidential preference primary, between January 1 of
35 the year in which such primary is held and the last business day of the
36 week preceding such primary election.

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

41 (g) Unless an earlier date is designated by the county election office,
42 applications for advance voting ballots transmitted to the voter in person in
43 the office of the county election officer shall be filed on the Tuesday next

1 preceding the election and on each subsequent business day until no later
2 than 12:00 noon on the day preceding such election. If the county election
3 officer so provides, applications for advance voting ballots transmitted to
4 the voter in person in the office of the county election officer also may be
5 filed on the Saturday preceding the election. Upon receipt of any such
6 properly executed application, the county election officer shall deliver to
7 the voter such ballots and instructions as are provided for in this act.

8 An application for an advance voting ballot filed by a voter who has a
9 temporary illness or disability or who is not proficient in reading the
10 English language or by a person rendering assistance to such voter may be
11 filed during the regular advance ballot application periods until the close
12 of the polls on election day.

13 The county election officer may designate places other than the central
14 county election office as satellite advance voting sites. At any satellite
15 advance voting site, a registered voter may obtain an application for
16 advance voting ballots. Such ballots and instructions shall be delivered to
17 the voter in the same manner and subject to the same limitations as
18 otherwise provided by this subsection.

19 (h) Any person having a permanent disability or an illness which has
20 been diagnosed as a permanent illness is hereby authorized to make an
21 application for permanent advance voting status. Applications for
22 permanent advance voting status shall be in the form and contain such
23 information as is required for application for advance voting ballots and
24 also shall contain information which establishes the voter's right to
25 permanent advance voting status.

26 (i) On receipt of any application filed under the provisions of this
27 section, the county election officer shall prepare and maintain in such
28 officer's office a list of the names of all persons who have filed such
29 applications, together with their correct post office address and the
30 precinct, ward, township or voting area in which such persons claim to be
31 registered voters or to be authorized by law to vote as former precinct
32 residents and the present resident address of each applicant. Such names
33 and addresses shall remain so listed until the day of such election. The
34 county election officer shall maintain a separate listing of the names and
35 addresses of persons qualifying for permanent advance voting status. All
36 such lists shall be available for inspection upon request in compliance with
37 this subsection by any registered voter during regular business hours. The
38 county election officer upon receipt of such applications shall enter upon a
39 record kept by such officer the name and address of each applicant, which
40 record shall conform to the list above required. Before inspection of any
41 advance voting ballot application list, the person desiring to make such
42 inspection shall provide to the county election officer identification in the
43 form of driver's license or other reliable identification and shall sign a log

1 book or application form maintained by such officer stating such person's
2 name and address and showing the date and time of inspection. All records
3 made by the county election officer shall be subject to public inspection,
4 except that the voter identification information required by subsections (b)
5 and (c) and the identifying number on ballots and ballot envelopes and
6 records of such numbers shall not be made public.

7 (j) If a person on the permanent advance voting list fails to vote in
8 two consecutive general elections held on the Tuesday succeeding the first
9 Monday in November of each even-numbered year, the county election
10 officer may mail a notice to such voter. Such notice shall inform the voter
11 that the voter's name will be removed from the permanent advance voting
12 list unless the voter renews the application for permanent advance voting
13 status within 30 days after the notice is mailed. If the voter fails to renew
14 such application, the county election officer shall remove the voter's name
15 from the permanent advance voting list. Failure to renew the application
16 for permanent advance voting status shall not result in removal of the
17 voter's name from the voter registration list.

18 (k) The secretary of state may adopt rules and regulations in order to
19 implement the provisions of this section and to define valid forms of
20 identification.

21 Sec. 4. K.S.A. 2011 Supp. 25-3203 is hereby amended to read as
22 follows: 25-3203. (a) *Except as otherwise provided in subsection (c), if the*
23 *secretary of state fails to receive the final abstract of the intermediate*
24 *canvass of any national or state election from any county by the second*
25 *Tuesday next after any election, the secretary shall dispatch a special*
26 *messenger to obtain a copy of the same, and the county election officer*
27 *shall immediately, on demand of such messenger, make out and deliver to*
28 *such messenger the copy required. Thereupon, the messenger shall deliver*
29 *such copy to the secretary of state without delay. The expenses of such*
30 *messenger shall be paid by the secretary of state, and the secretary of state*
31 *shall be reimbursed therefor by such county.*

32 (b) Any county conducting a recount pursuant to K.S.A. 25-3107, and
33 amendments thereto, shall notify the secretary of state of the recount and
34 shall set a date, subject to approval by the secretary of state, when the
35 county election officer shall submit the intermediate abstract of the county
36 to the secretary of state.

37 (c) *In the year 2012, if new boundary lines are defined and districts*
38 *established in the manner prescribed by law for the offices of*
39 *representative in the United States congress, senator and representative in*
40 *the legislature of the state of Kansas, and member of the state board of*
41 *education, on or after May 15, 2012, the final abstract of the intermediate*
42 *canvass of the national and state primary election shall be received by the*
43 *secretary of state from county election officers within 14 days following*

1 *such election.*

2 Sec. 5. K.S.A. 25-3205 is hereby amended to read as follows: 25-
3 3205. (a) The state board of canvassers shall be the board of canvassers for
4 the final canvass of the primary election of national and state officers.
5 Provisions of law relating to the canvass of the national and state general
6 elections shall, as far as applicable, apply to the canvass and certification
7 of the secretary of state of such primary elections.

8 (b) (1) *Except as otherwise provided in paragraph (2),* the state board
9 of canvassers shall meet at the office of the secretary of state on the call of
10 the secretary of state as soon as convenient after the tabulation of the
11 returns is made. The meeting shall be called not later than September 1
12 next following such election, except when such date falls on Sunday, then
13 not later than the next following day which is not a legal holiday, and may
14 recess from time to time until the final canvass is completed.

15 (2) *In the year 2012, if new boundary lines are defined and districts*
16 *established in the manner prescribed by law for the offices of*
17 *representative in the United States congress, senator and representative in*
18 *the legislature of the state of Kansas, and member of the state board of*
19 *education, on or after May 15, 2012, the state board of canvassers shall*
20 *meet at the office of the secretary of state on September 18, 2012, and may*
21 *recess from time to time until the final canvass is completed.*

22 (c) As soon as such final canvass of the primary election shall be
23 completed, the secretary of state shall publish in the Kansas register a
24 certified statement of the candidates for the presidential electors, United
25 States senator, representatives in congress and all state officers or so many
26 of such officers as may have been voted for at such election. On the fourth
27 day after the completion of such final canvass or as soon as practicable
28 thereafter, the secretary of state shall mail to each candidate found by the
29 state board of canvassers to be duly nominated a certificate of nomination,
30 showing the name of the candidate, the party by whom nominated and the
31 office for which the candidate is nominated as specified in the nomination
32 papers and determined by the state board of canvassers.

33 Sec. 6. K.S.A. 2011 Supp. 25-3904 is hereby amended to read as
34 follows: 25-3904. (a) (1) *Except as otherwise provided in paragraph (2),*
35 when a district convention is provided by law to be held to elect a person
36 to fill a vacancy in a party candidacy for a district office, the county
37 chairperson designated in subsection (b) or (c), within 21 days of the
38 receipt of the notice that the vacancy has occurred or will occur, shall call
39 and convene a convention of all committeemen and committeewomen of
40 the political party from the precincts in such district. If such county
41 chairperson is absent or for any reason is unable to call, or refuses to call
42 such convention, then the corresponding county vice-chairperson shall call
43 the convention and perform the other duties under this section required of

1 such chairperson.

2 (2) *In the year 2012, if new boundary lines are defined and districts*
3 *established in the manner prescribed by law for the offices of*
4 *representative in the United States congress, senator and representative in*
5 *the legislature of the state of Kansas, and member of the state board of*
6 *education, on or after May 15, 2012, when a district convention is*
7 *provided to be held to elect a person to fill a vacancy in a party candidacy,*
8 *the county chairperson, within five days of the receipt of the notice that the*
9 *vacancy has occurred or will occur; shall call a convention of all*
10 *committeemen and committeewomen of the political party from the*
11 *precincts in such district. If such county chairperson is absent or for any*
12 *reason is unable to call, or refuses to call such convention, then the*
13 *corresponding county vice-chairperson shall call the convention and*
14 *perform the other duties under this section required of such chairperson.*

15 (b) If the district lies within a single county, the county chairperson of
16 such county shall call the convention by mailing a notice at least seven
17 days before the date of the convention to the committeemen and
18 committeewomen in such county who are entitled to vote at such
19 convention pursuant to subsection (e).

20 (c) If all or part of more than one county lies within the district, the
21 county chairperson of the county in which the greatest number of qualified
22 voters of the district reside shall call the convention by mailing a notice of
23 such convention to each county chairperson of the party in each such
24 county, at least 10 days before the date of the convention. Such convention
25 shall be held at a location within the district selected by the chairperson
26 calling the convention. Such county chairpersons shall, within three days
27 after receipt of such notice, mail notice of such convention to the
28 committeemen and committeewomen in their counties who are entitled to
29 vote at such convention pursuant to subsection (e).

30 (d) The notice of such convention shall state: (1) The place where the
31 convention is to be held; (2) the time when the convention will convene;
32 and (3) the purpose for which the convention is to be held.

33 (e) At the time and place fixed for holding the convention, the county
34 chairperson who called the convention shall act as temporary chairperson
35 and shall call the convention to order. One-third of the eligible members of
36 the convention shall constitute a quorum for such election. In the event a
37 quorum is not present at the time and place that such convention is called,
38 the members present shall adjourn the convention to a day and time
39 certain, which shall not be later than 14 days after such adjournment of
40 such convention, and provide for notification of the time and place of such
41 adjourned convention to be given to the eligible members not present. The
42 convention shall organize by electing a permanent chairperson and such
43 other officers as necessary. After the convention is organized, it shall elect

1 a person to fill such vacancy in the party candidacy. Such election shall be
2 by secret ballot and the person elected shall be the one who receives the
3 majority of all the votes cast. If no person receives a majority of all votes
4 cast on any ballot, the balloting shall continue until some person receives a
5 majority of all the votes cast. Each committeeman and committeewoman
6 of the party of the precincts in such district shall be entitled to vote. Except
7 as provided in subsection (f), no precinct committeeman or
8 committeewoman shall be represented or shall vote by proxy. The
9 convention may adopt rules as necessary to govern its procedure in making
10 nominations, voting, counting and canvassing votes and for the conduct of
11 any business which may properly be brought before the convention, but
12 such rules shall not be in conflict with the provisions of this section.

13 (f) (1) A precinct committeeman or committeewoman may vote by
14 proxy at a convention called pursuant to this section whenever such
15 precinct committeeman or committeewoman is unable to attend the
16 convention and cast such precinct committeeman's or committeewoman's
17 ballot.

18 (2) A precinct committeeman or committeewoman may designate
19 another precinct committeeman or committeewoman to cast such precinct
20 committeeman's or precinct committeewoman's ballot at such convention
21 by proxy. Any proxy authorized by this subsection shall:

22 (A) Designate the precinct committeeman or committeewoman who
23 shall cast the precinct committeeman's or precinct committeewoman's vote
24 by proxy;

25 (B) be signed by the precinct committeeman or precinct
26 committeewoman authorizing the proxy; and

27 (C) contain an acknowledgment of such precinct committeeman's or
28 precinct committeewoman's signature which complies with K.S.A. 53-
29 509, and amendments thereto.

30 (g) After a person has been elected to fill a vacancy in a party
31 candidacy for a district office, the chairperson or vice-chairperson of the
32 convention shall execute a certificate, under oath, stating that such person
33 has been duly elected to fill such vacancy and shall transmit such
34 certificate to the secretary of state or appropriate county election officer.

35 Sec. 7. K.S.A. 2011 Supp. 25-3904a is hereby amended to read as
36 follows: 25-3904a. (a) *(1) Except as otherwise provided in paragraph (2),*
37 when a vacancy occurs in a party candidacy for the office of member of
38 the state board of education, the county chairperson designated in
39 subsection (b), (c) or (d), within 21 days of receipt of notice that the
40 vacancy has occurred or will occur, shall call and convene a district
41 convention for the purpose of electing a person to fill such vacancy. If
42 such county chairperson is absent or for any reason is unable to call or
43 refuses to call such convention, then the county vice-chairperson shall call

1 the convention and perform the other duties required of such chairperson
2 under this section.

3 (2) *In the year 2012, if new boundary lines are defined and districts*
4 *established in the manner prescribed by law for the offices of*
5 *representative in the United States congress, senator and representative in*
6 *the legislature of the state of Kansas, and member of the state board of*
7 *education, on or after May 15, 2012, when a district convention is*
8 *provided to be held to elect a person to fill a vacancy in a party candidacy,*
9 *the county chairperson, within five days of the receipt of the notice that the*
10 *vacancy has occurred or will occur, shall call a convention for the purpose*
11 *of electing a person to fill such vacancy. If such county chairperson is*
12 *absent or for any reason is unable to call, or refuses to call such*
13 *convention, then the corresponding county vice-chairperson shall call the*
14 *convention and perform the other duties under this section required of*
15 *such chairperson.*

16 (b) If the board member district lies within a single county, the county
17 chairperson of such county shall call a convention of all precinct
18 committeemen and committeewomen of the party of the precincts in such
19 district in the manner provided by subsections (b) and (d) of K.S.A. 25-
20 3904, and amendments thereto, and such convention shall be conducted in
21 the manner provided in subsection (e) of K.S.A. 25-3904, and amendments
22 thereto.

23 (c) If all or part of more than one and less than five counties lie
24 within the board member district, the county chairperson of the county in
25 which the greatest number of qualified voters of the district reside shall
26 call a convention of all precinct committeemen and committeewomen of
27 the party of the precincts in such district in the manner provided by
28 subsections (c) and (d) of K.S.A. 25-3904, and amendments thereto, and
29 such convention shall be conducted as provided in subsection (e) of K.S.A.
30 25-3904, and amendments thereto. Such convention shall be held at a
31 location within the district selected by the chairperson calling the
32 convention.

33 (d) If all or part of five or more counties lie within the board member
34 district, the county chairperson of the county in which the greatest number
35 of qualified voters of the district reside shall call a convention of all county
36 chairpersons and vice-chairpersons of the party of the counties in such
37 district. Such convention shall be held at a location within the district
38 selected by the chairperson calling the convention. Such county
39 chairperson shall call the convention by mailing a notice to each such
40 county chairperson and vice-chairperson at least seven days before the
41 date of the convention. Such notice shall state: (1) The place where the
42 convention is to be held; (2) the time when the convention will convene;
43 and (3) the purpose for which the convention is to be held.

1 (e) At the time and place fixed for holding the convention, the county
2 chairperson who called the convention shall act as temporary chairperson
3 and shall call the convention to order. One-third of the eligible members of
4 the convention shall constitute a quorum for such election. In the event a
5 quorum is not present at the time and place that such convention is called,
6 the members present shall adjourn the convention to a day and time
7 certain, which shall be not later than 14 days after such adjournment of
8 such convention and provide for notification of the time and place of such
9 adjourned convention to be given to the eligible members not present. The
10 convention shall proceed to organize by electing a permanent chairperson
11 and such other officers as necessary. After the convention is organized, it
12 shall proceed to elect a person to fill the vacancy in the party candidacy.
13 Such election shall be by secret ballot and the person elected shall be the
14 one who shall receive the majority of all the votes cast. If no person
15 receives a majority of all votes cast on any ballot, the balloting shall
16 continue until some person receives a majority of all the votes cast. Each
17 county chairperson and vice-chairperson of the party of the counties in
18 such district shall be entitled to vote. Except as provided in subsection (f),
19 no county chairperson or vice-chairperson shall be represented or shall
20 vote by proxy. The convention may adopt rules necessary to govern its
21 procedure in making nominations, voting, counting and canvassing votes
22 and for the conduct of any business which may properly be brought before
23 the convention, but such rules shall not be in conflict with the provisions
24 of this section.

25 (f) (1) A precinct committeeman or committeewoman who serves as
26 county chairperson or vice-chairperson may vote by proxy at a convention
27 called pursuant to this section whenever such precinct committeeman or
28 committeewoman is unable to attend the convention and cast such precinct
29 committeeman's or committeewoman's ballot.

30 (2) A precinct committeeman or committeewoman may designate
31 another precinct committeeman or committeewoman to cast such precinct
32 committeeman's or precinct committeewoman's ballot at such convention
33 by proxy. Any proxy authorized by this subsection shall:

34 (A) Designate the precinct committeeman or committeewoman who
35 shall cast the precinct committeeman's or precinct committeewoman's vote
36 by proxy;

37 (B) be signed by the precinct committeeman or precinct
38 committeewoman authorizing the proxy; and

39 (C) contain an acknowledgment of such precinct committeeman's or
40 precinct committeewoman's signature which complies with K.S.A. 53-
41 509, and amendments thereto.

42 (g) After a person has been elected to fill a vacancy in a party
43 candidacy for the office of member of the state board of education, the

1 chairperson or vice-chairperson of the convention shall execute a
2 certificate, under oath, stating that such person has been duly elected to fill
3 such vacancy and shall transmit such certificate to the secretary of state.

4 Sec. 8. K.S.A. 25-203 and 25-3205 and K.S.A. 2011 Supp. 25-205,
5 25-1122, 25-3203, 25-3904 and 25-3904a are hereby repealed.

6 Sec. 9. This act shall take effect and be in force from and after its
7 publication in the Kansas register.

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