

SUBSTITUTE for SENATE BILL No. 127

By Committee on Ethics and Elections

2-17

1 AN ACT concerning elections; pertaining to certain primary elections;
2 amending K.S.A. 25-2102 and K.S.A. 2010 Supp. 25-2021, 25-2108a
3 and 71-1415 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2010 Supp. 25-2021 is hereby amended to read as
7 follows: 25-2021. (a) ~~A primary election shall be held if needed to~~
8 ~~reduce the number of candidates for each office in the general election to~~
9 ~~no more than three candidates. No primary election of school district~~
10 ~~board members shall be held unless by holding such primary two or more~~
11 ~~persons will be eliminated as candidates for office. In the event there are~~
12 ~~not more than three times the number of candidates as there are board~~
13 ~~members to be elected, the names of the candidates for such office shall~~
14 ~~not appear on the primary election ballots, and there shall be no primary~~
15 ~~election for such office, but the names of such candidates shall be placed~~
16 ~~on the general school board election ballot.~~

17 *In school districts in which a member district method of election is in*
18 *effect, if there are more than three qualified candidates for any member*
19 *position in any member district, the county election officer shall call, and*
20 *there shall be held, a primary election in each such member district. The*
21 *names of the two candidates receiving the greatest number of votes for*
22 *any member position at the primary election shall appear on the ballots*
23 *in the general election. If there are three or fewer qualified candidates*
24 *for any member position, there shall not be a primary election and the*
25 *names of the candidates shall be placed on the ballots in the general*
26 *election.*

27 *(b) In school districts in which the election at large method of election*
28 *is in effect, if there are more than three times the number of candidates as*
29 *there are board members to be elected, the county election officer shall*
30 *call, and there shall be held, a primary election. The names of twice the*
31 *number of candidates as there are board members to be elected who*
32 *received the greatest number of votes at the primary election shall appear*
33 *on the ballots in the general election. If there are not more than three*
34 *times the number of candidates as there are board members to be elected,*
35 *there shall not be a primary election and the names of the candidates*
36 *shall be placed on the ballots in the general election.*

1 (c) *If a member is to be elected to fill an unexpired term, the office*
2 *shall be listed separately on the ballots. If there are more than three*
3 *candidates for such unexpired term, the county election officer shall call,*
4 *and there shall be held, a primary election. The names of the two*
5 *candidates for such unexpired term receiving the greatest number of*
6 *votes shall appear on the ballots in the general election. If there are three*
7 *or fewer qualified candidates for the unexpired term of any member*
8 *position, there shall not be a primary election and the names of the*
9 *candidates shall be placed on the ballots in the general election.*

10 ~~(b)~~ (d) On the ballots in general school elections, blank lines for the
11 ~~name~~ names of write-in candidates shall be printed at the end of the list of
12 candidates for each different office. *The number of blank lines for such*
13 *elected office shall be equal to the number to be elected thereto. The*
14 *purpose of such blank lines shall be to permit the voter to insert the name*
15 *of any person not printed on the ballot for whom such voter desires to*
16 *vote for such office. No lines for write-in candidates shall appear on*
17 *primary school election ballots.*

18 Sec. 2. K.S.A. 25-2102 is hereby amended to read as follows: 25-
19 2102. (a) "General election" means the election held on the Tuesday
20 succeeding the first Monday in November of even-numbered years, the
21 elections held for officers on the first Tuesday in April, and in the case of
22 special elections of any officers to fill vacancies, the election at which
23 any such officer is finally elected.

24 (b) "Primary election" means the election held on the first Tuesday
25 in August of even-numbered years, the election held five weeks preceding
26 the election on the first Tuesday in April, and any other preliminary
27 election at which part of the candidates for special election to any
28 national, state, county, city or school office are eliminated by the process
29 of the election but at which no officer is finally elected.

30 (c) "*District method*" means the election of city officers where the city
31 is divided into member districts or wards.

32 (d) "*Election at large method*" means the election of city officers
33 without member districts or wards.

34 Sec. 3. K.S.A. 2010 Supp. 25-2108a is hereby amended to read as
35 follows: 25-2108a. (a) There shall be a primary election of city officers
36 on the Tuesday preceding by five weeks the first Tuesday in April of
37 every year that such city has a city election, except as otherwise provided
38 in subsection (b) or subsection (c) of this section.

39 ~~(b) A primary election shall be held if needed to reduce the number~~
40 ~~of candidates for each office in the general election to no more than three~~
41 ~~candidates. No primary election of city officers shall be held unless by~~
42 ~~holding such primary two or more persons will be eliminated as~~
43 ~~candidates for office. In the event there are not more than three times the~~

1 number of candidates as there are officers to be elected, the names of the
2 candidates for such office shall not appear on the primary election ballots,
3 and there shall be no primary election for such office, but the names of
4 such candidates shall be placed on the general city election ballot.

5 (b) *In cities in which a district method of election is in effect, if there*
6 *are more than three qualified candidates for any member district, the*
7 *county election officer shall call, and there shall be held, a primary*
8 *election in each such member district. The names of the two candidates*
9 *receiving the greatest number of votes for any such member district at the*
10 *primary election shall appear on the ballots in the general election. If*
11 *there are three or fewer qualified candidates for any member district*
12 *there shall not be a primary election and the names of the candidates*
13 *shall be placed on the ballots in the general election.*

14 (c) *In cities in which the election at large method of election is in*
15 *effect, if there are more than three times the number of candidates as*
16 *there are members to be elected, the county election officer shall call,*
17 *and there shall be held, a primary election. The names of twice the*
18 *number of candidates as there are members to be elected who received*
19 *the greatest number of votes at the primary election shall appear on the*
20 *ballots in the general election. If there are not more than three times the*
21 *number of candidates as there are members to be elected there shall not*
22 *be a primary election and the names of the candidates shall be placed on*
23 *the ballots in the general election.*

24 (d) *On the ballots in general city elections, blank lines for the names*
25 *of write-in candidates shall be printed at the end of the list of candidates*
26 *for each different office. The number of blank lines for each elected office*
27 *shall be equal to the number of candidates to be elected thereto. The*
28 *purpose of such blank lines shall be to permit the voter to insert the name*
29 *of any person not printed on the ballot for whom such voter desires to*
30 *vote for such office. No lines for write-in candidates shall appear on*
31 *primary city election ballots.*

32 Sec. 4. K.S.A. 2010 Supp. 71-1415 is hereby amended to read as
33 follows: 71-1415. (a) ~~A primary election shall be held if needed to reduce~~
34 ~~the number of candidates for each office in the general election to no~~
35 ~~more than three candidates. No primary election of trustees shall be held~~
36 ~~unless by holding such primary two or more persons will be eliminated as~~
37 ~~candidates for office. In the event there are not more than three times the~~
38 ~~number of candidates as there are trustees to be elected, the names of the~~
39 ~~candidates for such office shall not appear on the primary election ballots,~~
40 ~~and there shall be no primary election for such office, but the names of~~
41 ~~such candidates shall be placed on the general election ballot for the~~
42 ~~board of trustees.~~

43 (b) ~~In the general election, there shall appear on the ballots a line~~

1 appropriate for write-in candidates. No lines for write-in candidates shall
2 appear on the primary election ballots.

3 *In college districts in which a district method of election is in effect, if*
4 *there are more than three qualified candidates for any member position,*
5 *the county election officer shall call, and there shall be held, a primary*
6 *election in each such member district. The names of the two candidates*
7 *receiving the greatest number of votes for any member position at the*
8 *primary election shall appear on the ballots in the general election. If*
9 *there are three or fewer qualified candidates for any member position,*
10 *there shall not be a primary election and the names of the candidates*
11 *shall be placed on the ballots in the general election.*

12 *(b) In college districts in which the election at large method of*
13 *election is in effect, if there are more than three times the number of*
14 *candidates as there are trustees to be elected, the county election officer*
15 *shall call, and there shall be held, a primary election. The names of twice*
16 *the number of candidates as there are trustees to be elected who receive*
17 *the greatest number of votes at the primary election shall appear on the*
18 *ballots in the general election. If there are not more than three times the*
19 *number of candidates as there are trustees to be elected, there shall not*
20 *be a primary election and the names of the candidates shall be placed on*
21 *the ballots in the general election.*

22 *(c) If a member is to be elected to fill an unexpired term, the office*
23 *shall be listed separately on the ballots. If there are more than three*
24 *candidates for such unexpired term, the county election officer shall call,*
25 *and there shall be held, a primary election. The names of the two*
26 *candidates for such unexpired term receiving the greatest number of*
27 *votes shall appear on the ballots in the general election. If there are three*
28 *or fewer qualified candidates for the unexpired term of any member*
29 *position, there shall not be a primary election and the names of the*
30 *candidates shall be placed on the ballots in the general election.*

31 *(d) On the ballots in general college district elections, blank lines for*
32 *the names of write-in candidates shall be printed at the end of the list of*
33 *candidates for each different office. The number of blank lines for each*
34 *elected office shall be equal to the number of candidates to be elected*
35 *thereto. The purpose of such blank lines shall be to permit the voter to*
36 *insert the name of any person not printed on the ballot for whom such*
37 *voter desires to vote for such office. No lines for write-in candidates shall*
38 *appear on primary college district election ballots.*

39 Sec. 5. K.S.A. 25-2102 and K.S.A. 2010 Supp. 25-2021, 25-2108a
40 and 71-1415 are hereby repealed.

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