

**HOUSE BILL No. 2130**

By Committee on Elections

1-30

1 AN ACT concerning elections; relating to petitions; amending K.S.A.  
2 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and  
3 25-4320 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 25-205 is hereby amended to read as  
7 follows: 25-205. (a) Except as otherwise provided in this section, the  
8 names of candidates for national, state, county and township offices shall  
9 be printed upon the official primary ballot when each shall have qualified  
10 to become a candidate by one of the following methods and none other: (1)  
11 They shall have had filed in their behalf, not later than 12 noon, June 1,  
12 prior to such primary election, or if such date falls on Saturday, Sunday or  
13 a holiday, then before 12 noon of the next following day that is not a  
14 Saturday, Sunday or a holiday, nomination petitions, as provided for in this  
15 act; or (2) they shall have filed not later than the time for filing nomination  
16 petitions, as above provided, with the proper officer a declaration of  
17 intention to become a candidate, accompanied by the fee required by law.  
18 Such declaration shall be prescribed by the secretary of state.

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

20 I, the undersigned, an elector of the county of \_\_\_\_\_, and  
21 state of Kansas, and a duly registered voter, and a member of  
22 \_\_\_\_\_ party, hereby nominate \_\_\_\_\_, who resides in  
23 the township of \_\_\_\_\_ (or at number \_\_\_\_\_ on  
24 \_\_\_\_\_ street, city of \_\_\_\_\_), in the county of  
25 \_\_\_\_\_ and state of Kansas, as a candidate for the office of (here  
26 specify the office) \_\_\_\_\_, to be voted for at the primary  
27 election to be held on the first Tuesday in August in \_\_\_\_\_, as  
28 representing the principles of such party; and I further declare that I intend  
29 to support the candidate herein named and that I have not signed and will  
30 not sign any nomination petition for any other person, for such office at  
31 such primary election.

32 (HEADING)

33 Name of	Street Number	Name of	Date of
34 Signers.	or Rural Route	City.	Signing.
35	(as registered).		

36 All nomination petitions shall have substantially the foregoing form,

1 written or printed at the top thereof. No signature shall be counted unless it  
2 is upon a sheet having such written or printed form at the top thereof.

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

12 (d) All signers of each separate nomination petition shall reside in the  
13 same county and election district of the office sought. The affidavit  
14 described in this paragraph of a petition circulator ~~who is a resident of the~~  
15 ~~state of Kansas and has the qualifications of an elector in the state of~~  
16 ~~Kansas as defined in section 8, and amendments thereto,~~ or of the  
17 candidate shall be appended to each petition and shall contain, at the end  
18 of each set of documents carried by each circulator, a verification, signed  
19 by the circulator *or the candidate*, to the effect that such circulator or the  
20 candidate personally witnessed the signing of the petition by each person  
21 whose name appears thereon.

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

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

28 (2) If for a state or national officer elected on less than a statewide  
29 basis, by voters equal in number to not less than 2% of the total of the  
30 current voter registration of the party designated in such district as  
31 compiled by the office of the secretary of state, except that for the office of  
32 district magistrate judge, by not less than 2% of the total of the current  
33 voter registration of the party designated in the county in which such office  
34 is to be filled as certified to the secretary of state in accordance with  
35 K.S.A. 25-3302, and amendments thereto;

36 (3) If for a county office, by voters equal in number to not less than  
37 3% of the total of the current voter registration of the party designated in  
38 such district or county as compiled by the county election officer and  
39 certified to the secretary of state in accordance with K.S.A. 25-3302, and  
40 amendments thereto; and

41 (4) If for a township office, by voters equal in number to not less than  
42 3% of the total of the current voter registration of the party designated in  
43 such township as compiled by the county election officer and certified to

1 the secretary of state in accordance with K.S.A. 25-3302, and amendments  
2 thereto.

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

10 (g) In any year in which districts are reapportioned for the offices of  
11 representative in the United States congress, senator and representative in  
12 the legislature of the state of Kansas or member of the state board of  
13 education:

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

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

24 (A) For the office of representative in the United States congress  
25 1,000 registered voters;

26 (B) for the office of member of the state board of education 300  
27 registered voters;

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

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

30 (h) In any year in which districts are reapportioned for the offices of  
31 representative in the United States congress, senator and representative in  
32 the legislature of the state of Kansas or member of the state board of  
33 education:

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

41 (2) If new boundary lines are defined and districts established in the  
42 manner prescribed by law on or after May 11, the deadline for filing  
43 nomination petitions and declarations of intention to become a candidate



1 County election officers shall cooperate with the secretary of state in  
2 verifying the sufficiency of these petitions as required by law.

3 The secretary of state shall transmit such petitions to the county  
4 election officer of each county for which petitions were presented to be  
5 examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 et  
6 seq., and amendments thereto, and applicable regulations. Not more than  
7 20 days following receipt of such petitions from the secretary of state, the  
8 county election officer shall return these documents to the secretary of  
9 state certifying the number of sufficient signatures thereon. The secretary  
10 of state shall gather all petitions and determine whether a sufficient  
11 number of signatures was submitted. The secretary of state shall forthwith  
12 notify the person who submitted the declaration of intent to circulate such  
13 petitions of the sufficiency or insufficiency of the number of signatures.

14 Sec. 3. K.S.A. 2012 Supp. 25-303 is hereby amended to read as  
15 follows: 25-303. (a) This section shall not apply to city and school  
16 elections, nor to election of other officers provided by law to be elected in  
17 April.

18 (b) All nominations other than party nominations shall be  
19 independent nominations. No person who has declared and retains a party  
20 affiliation in accordance with K.S.A. 25-3301, and amendments thereto,  
21 shall be eligible to accept an independent nomination for any office.

22 Independent nominations of candidates for any office to be filled by the  
23 voters of the state at large may be made by nomination petitions signed by  
24 not less than 5,000 qualified voters for each candidate and in the case of  
25 governor and lieutenant governor for each pair of such candidates.

26 (c) Independent nominations of candidates for offices to be filled by  
27 the voters of a county, district or other division less than a state may be  
28 made by nomination petitions signed by voters equal in number to not less  
29 than 4% of the current total of qualified voters of such county, district or  
30 other division as compiled by the office of the secretary of state in the case  
31 of state offices and as compiled in the office of the county election officer  
32 and certified to the secretary of state in accordance with K.S.A. 25-2311,  
33 and amendments thereto, in the case of local offices, and in no case to be  
34 signed by less than 25 nor more than 5,000 qualified voters of such county,  
35 district or division, for each candidate.

36 (d) Independent nominations of candidates for offices to be filled by  
37 the voters of a township may be made by nomination papers signed by not  
38 less than 5% of the current total of qualified voters of such township,  
39 computed as above provided, for each candidate, and in no case to be  
40 signed by less than 10 such voters of such township for each candidate.

41 (e) The signatures to such nomination petitions need not all be  
42 appended to one paper, but each registered voter signing an independent  
43 certificate of nomination shall add to the signature such petitioner's place

1 of residence and post office address. All signers of each separate  
2 nomination petition shall reside in the same county and election district of  
3 the office sought. The affidavit of the candidate or a petition circulator  
4 ~~who is a resident of the state of Kansas and has the qualifications of an~~  
5 ~~elector of the state of Kansas~~ shall be appended to each petition and shall  
6 contain, at the end of each set of documents carried by each circulator *or*  
7 *candidate*, a verification, signed by the circulator *or candidate*, to the  
8 effect that such circulator *or candidate* personally witnessed the signing of  
9 the petition by each person whose name appears thereon.

10 (f) No such nomination paper shall contain the name of a candidate  
11 for governor without in the same such paper containing the name of a  
12 candidate for lieutenant governor, and if it does it shall be void.

13 (g) No person shall join in nominating more than one person for the  
14 same office, and if this is done, the name of such petitioner shall not be  
15 counted on any certificate.

16 Sec. 4. K.S.A. 2012 Supp. 25-3602 is hereby amended to read as  
17 follows: 25-3602. (a) Each petition shall consist of one or more documents  
18 pertaining to a single issue or proposition under one distinctive title. The  
19 documents shall be filed with the county election officer or other official,  
20 if another official is designated in the applicable statutes. The filing shall  
21 be made at one time all in one group. Later or successive filings of  
22 documents relating to the same issue or proposition shall be deemed to be  
23 separate petitions and not a part of any earlier or later filing.

24 (b) Unless otherwise specifically required, each petition shall: (1)  
25 State the question which petitioners seek to bring to an election in the form  
26 of a question as it should appear upon the ballot in accordance with the  
27 requirements of K.S.A. 25-620 and K.S.A. 25-3601, and amendments  
28 thereto;

29 (2) name the taxing subdivision or other political subdivision in  
30 which an election is sought to be held;

31 (3) contain the following recital above the spaces provided for  
32 signatures: "I have personally signed this petition. I am a registered elector  
33 of the state of Kansas and of  
34

35 \_\_\_\_\_  
(here insert name of political or taxing subdivision)  
36 and my residence address is correctly written after my name."

37 The recital shall be followed by blank spaces for the signature,  
38 residence address and date of signing for each person signing the petition.

39 When petitioners are required by law to possess qualifications in  
40 addition to being registered electors, the form of the petition shall be  
41 amended to contain a recital specifying the additional qualifications  
42 required and stating that the petitioners possess the qualifications; and

43 (4) ~~contain the following recital~~ *a recital in substance as follows, at*

1 the end of each set of documents carried by each *petition* circulator *as*  
2 *defined in section 8, and amendments thereto*: "I am the circulator of this  
3 petition and ~~a resident of the state of Kansas and possess the qualifications~~  
4 ~~of an elector of the state of Kansas. I have~~ *I am qualified to circulate this*  
5 *petition and I* personally witnessed the signing of the petition by each  
6 person whose name appears thereon.

7 \_\_\_\_\_  
8 (Signature of circulator)

9 \_\_\_\_\_"  
10 (Circulator's residence address)

11 The recital of the circulator of each petition shall be verified upon oath  
12 or affirmation before a notarial officer in the manner prescribed by K.S.A.  
13 53-501 et seq., and amendments thereto.

14 (c) Any person who has signed a petition who desires to withdraw  
15 such person's name may do so by giving written notice to the county  
16 election officer or other designated official not later than the third day  
17 following the date upon which the petition is filed.

18 (d) Any petition shall be null and void unless submitted to the county  
19 election officer or other designated official within 180 days of the date of  
20 the first signature on the petition.

21 (e) Unless the governing body of the political or taxing subdivision in  
22 which the election is sought to be held authorizes a special election, all  
23 elections which are called as a result of the filing of a sufficient petition  
24 shall be held at the next succeeding primary or general election as defined  
25 by K.S.A. 25-2502, and amendments thereto, in which the political or  
26 taxing subdivision is participating.

27 (f) When a petition requires signatures equal in number to a  
28 percentage of the total number of registered voters, such percentage shall  
29 be based on the most recent number of registered voters as certified to the  
30 office of the secretary of state pursuant to subsection (g) of K.S.A. 25-  
31 2311, and amendments thereto.

32 Sec. 5. K.S.A. 2012 Supp. 25-4005 is hereby amended to read as  
33 follows: 25-4005. The nomination papers or petitions as mentioned in  
34 K.S.A. 25-4004, and amendments thereto, shall be in substantially the  
35 following form:

36 I, the undersigned, an elector of the county of \_\_\_\_\_, and state  
37 of Kansas, and a duly registered voter and a member of the \_\_\_\_\_  
38 party, hereby nominate \_\_\_\_\_

39 (Here insert name and city)

40 and state of Kansas as a candidate for the office of governor, and running  
41 with such candidate \_\_\_\_\_

42 (Here insert name and city)

43 and state of Kansas as a candidate for the office of lieutenant governor to

1 be voted for at the primary to be held on the first Tuesday in August in  
 2 \_\_\_\_\_, as representing the principles of such party; and I further  
 3 declare that I intend to support the candidates herein named and that I have  
 4 not signed and will not sign any petition or nomination paper for any other  
 5 persons, for such offices at the next ensuing election.

6 (HEADING)

7 Name of	Street Number	Name of	Date of
8 Signers	or RR	City	Signing
	(as Registered)		

10 All nomination papers shall have substantially the foregoing form,  
 11 written or printed at the top thereof. No signature shall be counted unless it  
 12 is upon a sheet having such written or printed form at the top thereof.

13 Each signer of a nomination paper shall sign but one such paper for  
 14 governor and lieutenant governor, and shall declare that such signer  
 15 intends to support the candidates therein named, and shall add to the  
 16 signer's signature the signer's residence, if in a city, by street and number-  
 17 if any); or, otherwise by address as shown on such signer's registration. No  
 18 signature shall be counted unless the place of residence of the signer is  
 19 clearly indicated and the date of signing given as herein required and if  
 20 ditto marks are used to indicate address they shall be continuous and  
 21 clearly made. Such sheets shall not be cut or pasted together.

22 All signers of each separate nomination paper shall reside in the same  
 23 county. The affidavit of a petition circulator ~~who is a resident of the state~~  
 24 ~~of Kansas and has the qualifications of an elector of the state of Kansas as~~  
 25 ~~defined in section 8, and amendments thereto,~~ shall be appended to each  
 26 such nomination paper, stating that to the best of such petition circulator's  
 27 knowledge and belief, all the signers thereof are qualified electors of that  
 28 county; that the petition circulator knows that they signed the same with  
 29 full knowledge of the contents thereof; that their respective residences are  
 30 correctly stated therein; that each signer signed the same on the date stated  
 31 opposite such signer's name, and that the affiant intends to support the  
 32 candidates therein named. Such affidavit shall be prima facie evidence of  
 33 the facts therein stated.

34 Such nomination papers shall be signed by not less than 1% of the total  
 35 vote of the party designated in the state. The basis of the percentage shall  
 36 be the vote of the party for secretary of state at the last preceding general  
 37 election of secretary of state; or, in case of a new party, the basis of a  
 38 percentage shall be the vote cast for the successful candidate for secretary  
 39 of state at the last preceding general election of secretary of state.

40 Sec. 6. K.S.A. 2012 Supp. 25-4310 is hereby amended to read as  
 41 follows: 25-4310. The petitions may be circulated ~~only by a sponsor who~~  
 42 ~~is a resident of the state of Kansas and possesses the qualifications of an~~  
 43 ~~elector of the state of Kansas and~~ by a petition circulator, as defined in

1 *section 8, and amendments thereto*, only in person throughout the state or  
 2 election district of the state officer sought to be recalled. No copy of a  
 3 petition shall be circulated in more than one county, and the county  
 4 election officer of the county in which each petition is circulated shall  
 5 certify to the secretary of state the sufficiency of the signatures on the  
 6 petition. Any registered elector of such election district or of the state, as  
 7 the case may be, may subscribe to the petition by signing the elector's  
 8 name and address as the same appears on the voter registration books. A  
 9 person who has signed the petition may withdraw such person's name only  
 10 by giving written notice to the secretary of state before the date the petition  
 11 is filed. The necessary signatures on a petition shall be secured within 90  
 12 days from the date that the petitions prepared by the secretary of state  
 13 pursuant to K.S.A. 25-4309, and amendments thereto, are delivered to the  
 14 recall committee. The petition shall be signed only in ink. Illegible  
 15 signatures unless accompanied by a legible printed name may be rejected  
 16 by the secretary of state or by any county election officer assisting the  
 17 secretary of state.

18 Sec. 7. K.S.A. 2012 Supp. 25-4320 is hereby amended to read as  
 19 follows: 25-4320. (a) Each petition for recall of a local officer shall  
 20 include: (1) The name and office of the local officer sought to be recalled;  
 21 (2) the grounds for recall described in particular in not more than 200  
 22 words; (3) a statement that the petition signers are registered electors of  
 23 the election district of the local officer sought to be recalled; (4) the names  
 24 and addresses of three registered electors of the election district of the  
 25 officer sought to be recalled who shall comprise the recall committee; (5)  
 26 the statement of warning required in K.S.A. 25-4321, and amendments  
 27 thereto; and (6) a statement that a list of all ~~sponsors~~ *petition circulators*,  
 28 *as defined in section 8, and amendments thereto*, authorized to circulate  
 29 recall petitions for such recall may be examined in the office of the county  
 30 election officer where the petition is required to be filed. ~~Each sponsor~~  
 31 ~~shall be a resident of the state of Kansas and possess the qualifications of~~  
 32 ~~an elector of the state of Kansas.~~

33 (b) Each page of a petition for recall of a local officer shall be in  
 34 substantially the following form:

35 I, the undersigned, hereby seek the recall of \_\_\_\_\_ from the  
 36 office of \_\_\_\_\_, on the ground(s) that \_\_\_\_\_, (state specific  
 37 grounds) and declare that I am a registered elector of  
 38 \_\_\_\_\_ County, Kansas, and of the election district of the  
 39 officer named above.

40	Name of	Street Number or RR	Name of	Date of
41	Signer	(as Registered) City	Signing	
42	_____	_____	_____	_____
43	_____	_____	_____	_____

## 1 NOTE:

2 1. It is a class B misdemeanor to sign a name other than your own  
3 name to this petition, to knowingly sign more than once for the  
4 recall of the same officer at the same election or to sign this petition  
5 knowing you are not a registered elector.

6 2. The following comprise the recall committee:  
7 (names and resident addresses)

8 3. A list of all ~~sponsors~~ *petition circulators, as defined in section 8,*  
9 *and amendments thereto*, authorized to circulate petitions for this  
10 recall may be examined in the office of the \_\_\_\_\_ County  
11 election officer.

12 (c) A county election officer shall provide a sample of the form  
13 prescribed by subsection (b) upon request by any person.

14 (d) The affidavit required by K.S.A. 25-4325, and amendments  
15 thereto, shall be appended to each petition for recall of a local officer.

16 New Sec. 8. (a) For purposes of this act, "petition circulator" shall  
17 mean a person who is:

18 (1) A United States citizen;

19 (2) at least 18 years of age; and

20 (3) has not been convicted of a felony.

21 (b) All petition circulators, whether residents or nonresidents of the  
22 state of Kansas, are required to agree to submit to the jurisdiction of the  
23 state, including its agencies, political subdivisions and election officials,  
24 for purposes of subpoena enforcement regarding the integrity and  
25 reliability of the petition process.

26 Sec. 9. K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-  
27 4005, 25-4310 and 25-4320 are hereby repealed.

28 Sec. 10. This act shall take effect and be in force from and after its  
29 publication in the Kansas register.