

HOUSE BILL No. 2226

By Committee on Elections

2-5

1 AN ACT concerning elections; relating to certain municipalities; amending
2 K.S.A. 12-344, 13-1220, 13-1221, 19-3505, 19-3507, 25-202, 25-209,
3 25-2107, 25-2113, 25-2115, 71-1412, 71-1419 and 72-7901 and K.S.A.
4 2012 Supp. 2-624, 12-363, 24-412, 24-414, 24-506, 25-213, 25-2110
5 and 42-706 and repealing the existing sections; also repealing K.S.A.
6 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b,
7 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-
8 1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-
9 1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-
10 1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-
11 1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-
12 1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-
13 1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037
14 and 12-1038.

15

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

17 New Section 1. (a) All elections for officers of municipalities shall be
18 on a partisan basis.

19 (b) (1) In accordance with provisions of K.S.A. 25-1115, and
20 amendments thereto, municipal primary elections shall be held five weeks
21 preceding the first Tuesday in April in odd-numbered years unless
22 otherwise specified by law. Municipal general elections shall be held on
23 the first Tuesday in April of odd-numbered years unless otherwise
24 specified by law.

25 (2) Candidates for municipal office shall be nominated according to
26 provisions of K.S.A. 25-202, and amendments thereto.

27 (3) Primary elections shall only be held for municipal offices where
28 two or more candidates file for such office unless otherwise provided by
29 law.

30 (c) "Municipality" means any city, consolidated city-county created
31 under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2012
32 Supp. 12-360 et seq., and amendments thereto, board of public utilities
33 created under K.S.A. 13-1220 et seq., and amendments thereto, county
34 adopting a charter under K.S.A. 19-2680 et seq., and amendments thereto,
35 school district, community college, drainage district, extension district,
36 irrigation district, library district created under K.S.A. 12-1236 et seq., and

1 amendments thereto, and water districts created under K.S.A. 19-3501 et
2 seq., and amendments thereto. The term does not include any municipality
3 where the election of members of the governing body is conducted at a
4 meeting of the municipality.

5 New Sec. 2. (a) Any city may adopt by ordinance one of the
6 following forms of government:

- 7 (1) Commission;
- 8 (2) mayor-council;
- 9 (3) commission-manager;
- 10 (4) mayor-council-manager;
- 11 (5) council-manager; or
- 12 (6) any other form of government authorized by law or by ordinance
13 or charter ordinance of the city.

14 (b) Any city which has operated for four or more years under a form
15 of government may abandon such form and adopt a different form of
16 government. The provisions of K.S.A. 12-184, and amendments thereto,
17 shall govern the procedure for the adoption or abandonment of such form
18 of government.

19 (c) The governing body of the city may establish by ordinance any of
20 the following:

- 21 (1) The powers and duties of the governing body, including the mayor
22 and other elected officials;
- 23 (2) the term of office of members of the governing body, including
24 the mayor and other elected officials of either two or four years;
- 25 (3) the election by ward or district of members of the governing body,
26 if applicable;
- 27 (4) the powers and duties of the city manager, if applicable;
- 28 (5) the administrative departments of the city; and
- 29 (6) other matters deemed appropriate by the governing body.

30 New Sec. 3. All existing ordinances and charter ordinances relating to
31 a city's form of government, except those provisions relating to the timing
32 of city primary and general elections, shall remain in effect until amended
33 or repealed by such city.

34 Sec. 4. K.S.A. 2012 Supp. 2-624 is hereby amended to read as
35 follows: 2-624. (a) The governing body of each extension district shall be
36 composed of four representatives from each county included in the
37 extension district. At the conclusion of the terms of the members first
38 appointed to membership on the governing body of the district, the four
39 members representing each county in an extension district shall be elected
40 *on a partisan basis* in a county-wide election by the qualified electors of
41 the county *in accordance with K.S.A. 25-202, and amendments thereto.*

42 (b) At the conclusion of the terms of the members first appointed to
43 membership on the governing body of the district, each member of the

1 governing body shall hold office for a term of four years and until such
2 member's successor is elected and qualified. Each such term of office shall
3 commence on the date of receipt of certification of election by the member
4 elected and shall continue until the member's successor is elected and
5 qualified.

6 (c) (1) Except as otherwise provided in this act, an election to elect
7 successors to members of the governing body whose terms are expiring
8 shall be held on the first Tuesday in April in each odd-numbered year.

9 (2) Elections to choose members of the governing body of an
10 extension district shall be conducted, the returns made and the results
11 ascertained in the manner provided by law for general county elections
12 except as otherwise provided by this act. Not later than 12 noon of the
13 Tuesday, 10 weeks preceding the first Tuesday in April in election years,
14 each person desiring to be a candidate for membership on the governing
15 body, in any election, shall file a declaration of candidacy, accompanied by
16 a filing fee of \$5, with the county election officer of the county represented
17 by the member of the governing body whose successor is to be elected, as
18 a candidate in such election. The county election officer shall remit such
19 filing fees to the county treasurer for deposit in the county general fund.
20 The county election officer in making up the ballots and in placing the
21 names thereon shall place the names on the ballots in alphabetical order.

22 (3) The county election officer of each county within the extension
23 district shall appoint election boards as provided by law for other elections
24 and shall designate places for holding the election. The county election
25 officer shall cause to be ascertained the names of all persons within the
26 district who are qualified electors, and shall furnish lists thereof to the
27 judges of the election. Notice of the time and place of holding each
28 election, signed by the county election officer, shall be given in a
29 newspaper published in the county and posted in a conspicuous place in
30 the office of the governing body at least five days before the holding
31 thereof.

32 (4) All election expenses shall be paid by the extension district.
33 Election officials shall receive the same compensation as provided under
34 the general election laws.

35 (d) Any vacancy in the membership of the governing body of an
36 extension district shall be filled by appointment by the governing body for
37 the unexpired term of office. Each member so appointed shall be a resident
38 of the county which was represented by the member creating the vacancy.

39 (e) The governing body of each extension district shall organize
40 annually in July by electing from among its members a chairperson, vice-
41 chairperson, secretary and treasurer.

42 Sec. 5. K.S.A. 12-344 is hereby amended to read as follows: 12-344.

43 (a) Any plan submitted by the commission shall provide for the exercise of

1 powers of local legislation and administration not inconsistent with the
2 constitution or other laws of this state.

3 (b) If the commission submits a plan providing for the consolidation
4 of certain city and county offices, functions, services and operations, the
5 plan shall:

6 (1) Include a description of the form, structure, functions, powers and
7 officers and the duties of such officers recommended in the plan.

8 (2) Provide for the method of amendment of the plan.

9 (3) Authorize the appointment of, or elimination of elective officials
10 and offices.

11 (4) Specify the effective date of the consolidation.

12 (5) Include other provisions determined necessary by the
13 commission.

14 (c) If the plan provides for the consolidation of the city and county, in
15 addition to the requirements of subsection (b) the plan shall:

16 (1) Fix the boundaries of the governing body's election districts,
17 provide a method for changing the boundaries from time-to-time, any at-
18 large positions on the governing body, fix the number, term and initial
19 compensation of the governing body of the consolidated city-county and
20 the method of election.

21 ~~(2) Determine whether elections of the governing body of the~~
22 ~~consolidated city-county shall be partisan or nonpartisan elections and the~~
23 ~~time at which such elections shall be held.~~

24 (3) (2) Determine the distribution of legislative and administrative
25 duties of the consolidated city-county officials, provide for consolidation
26 or expansion of services as necessary, authorize the appointment of a
27 consolidated city-county administrator or a city-county manager, if
28 deemed advisable, and prescribe the general structure of the consolidated
29 city-county government.

30 (4) (3) Provide for the official name of the consolidated city-county.

31 (5) (4) Provide for the transfer or other disposition of property and
32 other rights, claims and assets of the county and city.

33 (d) *Elections for the governing body and other elected officials shall*
34 *be on a partisan basis.*

35 Sec. 6. K.S.A. 2012 Supp. 12-363 is hereby amended to read as
36 follows: 12-363. (a) Any plan submitted by the commission shall provide
37 for the exercise of powers of local legislation and administration not
38 inconsistent with the constitution or other laws of this state.

39 (b) If the commission submits a plan providing for the unification of
40 certain city and county offices, functions, services and operations, the plan
41 shall:

42 (1) Include a description of the form, structure, functions, powers and
43 officers and the duties of such officers recommended in the plan.

- 1 (2) Provide for the method of amendment of the plan.
- 2 (3) Specify the effective date of the unification.
- 3 (4) Include other provisions determined necessary by the
- 4 commission.

5 (c) If the plan provides for the unification of the city and county, in
 6 addition to the requirements of subsection (b) the plan shall:

- 7 (1) Provide that the members of the governing body be elected from
- 8 districts or on an at-large basis and fix the number, term and initial
- 9 compensation of the governing body of the unified city-county and the
- 10 method of election.

11 ~~(2) Determine whether elections of the governing body of the unified~~
 12 ~~city-county shall be partisan or nonpartisan elections and the time at which~~
 13 ~~such elections shall be held.~~

14 ~~(3) (2) Determine the distribution of legislative and administrative~~
 15 ~~duties of the unified city-county officials, provide for unification or~~
 16 ~~expansion of services as necessary, authorize the appointment of a city-~~
 17 ~~county administrator or manager, if deemed advisable, and prescribe the~~
 18 ~~general structure of the unified city-county government.~~

19 ~~(4) (3) Provide for the official name of the unified city-county.~~

20 ~~(5) (4) Provide for the transfer or other disposition of property and~~
 21 ~~other rights, claims and assets of the county and city.~~

22 ~~(6) (5) Fix the rate of the retailers' sales tax, if any.~~

23 *(d) Elections for the governing body and other elected officials shall*
 24 *be on a partisan basis.*

25 Sec. 7. K.S.A. 13-1220 is hereby amended to read as follows: 13-
 26 1220. ~~In each city of the first class that now has or hereafter acquires a~~
 27 ~~population of more than one hundred thousand inhabitants, which now or~~
 28 ~~hereafter owns and operates a municipal waterworks plant and a municipal~~
 29 ~~electric light plant, there shall be~~ *Any city may establish* an administrative
 30 agency known as the board of public utilities of such city, to be elected in
 31 the manner hereinafter provided. The board shall manage, operate,
 32 maintain and control the daily operation of the water plant and electric-
 33 light plant of such city, and shall make all such rules and regulations as are
 34 necessary for the safe, economical and efficient operation and management
 35 of such water plants and electric-light plants. The board may also improve,
 36 extend or enlarge the water plants and electric-light plants as hereinafter
 37 provided, and furnish a supply of water, light, heat and power for
 38 domestic, industrial and municipal purposes.

39 Sec. 8. K.S.A. 13-1221 is hereby amended to read as follows: 13-
 40 1221. (a) The board of public utilities shall consist of six members, three
 41 of which shall be nominated and elected by the city at large and three of
 42 which shall be elected by the qualified electors of the city within each of
 43 the districts established pursuant to subsection (b). *Members of the board*

1 *shall be elected on a partisan basis.* Members elected to the board of
2 public utilities after the effective date of this act shall hold their offices for
3 terms of four years, and until their successors are elected and qualified.
4 Each of the members elected from districts shall be qualified voters of the
5 districts from which elected. Elections of members of the board shall be
6 held at the time of the general city election. The provisions of article 17 of
7 chapter 13 of the Kansas Statutes Annotated, *and amendments thereto*,
8 pertaining to the election and removal of officers, shall govern so far as
9 applicable.

10 The board shall elect from its own number a president and vice-
11 president and shall appoint a secretary. Notwithstanding the provisions of
12 K.S.A. 13-1222, *and amendments thereto*, relating to a quorum for the
13 transaction of business and a vote for action by the board, any vacancy
14 occurring in the board shall be filled by a majority vote of the members
15 remaining on the board. Where a vacancy has occurred in the membership
16 of any board of public utilities, a member selected to fill such vacancy
17 shall serve until the next city election, at which time a successor shall be
18 elected to serve the remainder of the unexpired term, if any.

19 (b) The districts numbered 1, 2 and 3 established in 1979 shall be
20 subject to alteration at the first meeting of the board in each fourth year
21 thereafter, but such alteration shall only be for the purpose of establishing
22 and maintaining the equality of population among the districts.

23 Sec. 9. K.S.A. 19-3505 is hereby amended to read as follows: 19-
24 3505. (a) Except as otherwise provided by this section, the governing body
25 of any water district to which this section applies shall be a five-member
26 board holding positions numbered one to five, inclusive, *and shall be*
27 *elected on a partisan basis.* Each member shall be elected and shall hold
28 office from May 1 following such member's election until April 30, four
29 years thereafter and until a successor is elected and has qualified.

30 The first election of members of the governing body of any water
31 district created after the effective date of this act shall be held on the first
32 Tuesday in August of any even-numbered year, at which time members
33 shall be elected for terms beginning on September 1 of the same year, and
34 ending on April 30 of the third year following the beginning of such term,
35 to positions numbered three, four and five. At such first election, members
36 shall be elected for terms ending on April 30 of the first year following the
37 beginning of such terms, to positions numbered one and two. Members
38 first elected to positions one and two shall have terms of approximately
39 eight months. Elections shall be thereafter held on the first Tuesday in
40 April of each odd-numbered year for the member positions whose terms
41 expire in that year.

42 (b) From and after April 30, 1991, the governing body of the water
43 district shall be composed of seven members. At the election held in 1991,

1 positions numbered 1, 2, 6 and 7 shall be elected to four-year terms. At the
2 election in 1993, positions numbered 3, 4 and 5 shall be elected to four-
3 year terms.

4 (c) Elections shall be held on the first Tuesday in April of each odd-
5 numbered year for the positions which terms expire in that year. Members
6 shall hold office from May 1, following such member's election until April
7 30, four years thereafter and until a successor is elected and qualified. All
8 elections shall be nonpartisan and shall be called and conducted by the
9 county election officer. Laws applying to other local elections occurring at
10 the same time and in the same locality shall apply to elections under this
11 act to the extent that the same can be made to apply.

12 (d) Following each election the board shall organize and not later
13 than the second regular meeting following each election shall select from
14 among its members a chairperson and a vice-chairperson. The vice-
15 chairperson shall preside over any meetings at which the chairperson is not
16 present. Vacancies occurring during a term shall be filled for the unexpired
17 term by appointment by the remaining members. All members shall take
18 an oath of office as prescribed for other public officials. The members of
19 the board shall be qualified electors in the water district. Prior to accepting
20 office, the water district shall obtain for each member-elect a corporate
21 surety bond to the state of Kansas in the amount of \$10,000, conditioned
22 upon the faithful performance of the member's duties and for the true and
23 faithful accounting of all money that may come into the member's hands
24 by virtue of the office. Such bonds shall be filed in the office of the county
25 clerk for the county in which the major portion of such water district is
26 located after approval by the board of county commissioners of such
27 county.

28 (e) Each member of the board shall receive a monthly salary in an
29 amount determined by the board and shall be reimbursed for all necessary
30 and reasonable expenses incurred in performing official assigned duties.

31 Sec. 10. K.S.A. 19-3507 is hereby amended to read as follows: 19-
32 3507. The water district election shall be held in each election precinct, a
33 part or all of which is located within such water district, except that if no
34 other election is being held in a given election precinct on the same date as
35 the water district election, the county election officer may provide one or
36 more convenient voting places where the water district electors of such
37 precinct may vote, which may be a voting place located in another
38 precinct. The county election officer shall designate such voting places and
39 the persons entitled to vote thereat in the election notice. The county
40 election officer shall make a report in writing to the board of county
41 commissioners of such election precincts and voting places, which report
42 shall be filed with the county clerk of the county or counties in which such
43 precincts and voting places are located and an entry thereof made upon the

1 journal of the board or boards of county commissioners of such county or
2 counties and if any change shall be made in such voting precincts and
3 voting places by the county election officer, the same shall in like manner
4 be reported to the board or boards of county commissioners, filed and
5 entered as aforesaid. The polls for any election held under this act shall be
6 open between the hours of 7:00 a.m. and 7:00 p.m.

7 All qualified persons desiring to be voted upon as a member of such
8 board shall on or before 12:00 o'clock noon on the Tuesday which
9 precedes by 10 weeks the first Tuesday in April of the year in which the
10 election is being held, which date shall be stated in the publication notice
11 of the election, file with the county election officer, a statement directing
12 such officer to place such person's name on the ballot as a candidate for
13 member of the board of the water district in such election, indicating the
14 number of the position for which such person is filing. No candidate shall
15 be permitted to withdraw as a candidate after the deadline for filing such
16 statements of candidacy. ~~There shall be no primary election for members~~
17 ~~of the water district board.~~ The county election officer shall publish names
18 of all candidates in a newspaper of general circulation within the water
19 district not less than 10 days before such election. The county election
20 officer shall provide for use of voting machines or printed ballots in each
21 election precinct or voting place. Where printed ballots are prepared, the
22 same shall be done at the expense of the water district. The names of
23 candidates for each member position shall be rotated on the ballots in such
24 a manner that each candidate shall be given an equitable opportunity to
25 have such candidate's name appear first on the ballot. Where the only
26 election being conducted in an election precinct or voting place is the
27 water district election, the cost of providing judges and clerks in such
28 precinct or voting place shall be borne entirely by the water district, but
29 where held in conjunction with other elections, the cost shall be prorated in
30 the manner provided by article 22 of chapter 25 of the Kansas Statutes
31 Annotated, and amendments thereto.

32 At least five days before any election, the county election officers of
33 the various counties within which a portion of such district is located, in
34 cooperation with the water district board, shall determine the voting areas
35 where no other elections will be held in conjunction with the water district
36 and the names of all qualified electors residing in the water district and
37 located in such precincts and shall determine the election precincts which
38 contain only a part of the water district and the names of all qualified
39 electors residing in the water district and in such election precincts. A list
40 of the qualified electors determined as hereinbefore provided shall be
41 furnished by the county election officer to the judges of the voting
42 precincts or voting places where such electors are entitled to vote.

43 Qualified electors of any election precinct, the entirety of which is

1 within the water district, shall be entitled to vote in such precinct and a
2 separate list of their names need not be furnished.

3 A voter shall not be eligible to vote in any election precinct other than
4 the one in which such person resides unless no election is being held in
5 such precinct, in which event, such voter shall be entitled to vote in the
6 voting place designated by the county election officer.

7 Such list furnished by the county election officer to the judges of each
8 precinct shall be conclusive at all elections, except that one desirous of
9 voting, whose name does not appear on such list, may proceed to the
10 county election officer of the county and such officer may administer oaths
11 and affirm witnesses to determine the right of anyone to vote who may
12 claim erroneous omission from such list, and if such officer issues a
13 certificate entitling the voter to vote, such certificate shall be accepted by
14 the judges and clerks of the election. The list so furnished by the county
15 election officer shall be conclusive at all elections held within the same
16 year that the list is furnished.

17 Sec. 11. K.S.A. 2012 Supp. 24-412 is hereby amended to read as
18 follows: 24-412. (a) Subject to the provisions of subsection (b), except as
19 otherwise provided in this section, an election to choose three directors in
20 each district as their successors, shall be held on *a partisan basis on the*
21 *first Tuesday in April, 1983, and an election shall be held each four years*
22 *thereafter, on the first Tuesday in April, to choose directors to serve four*
23 *year terms.*

24 (b) On and after January 1, 2012, the board of directors of drainage
25 district No. 2 of Finney county, Kansas, shall be elected as provided in
26 K.S.A. 2012 Supp. 24-139a, and amendments thereto.

27 Sec. 12. K.S.A. 2012 Supp. 24-414 is hereby amended to read as
28 follows: 24-414. (a) Elections to choose directors *shall be on a partisan*
29 *basis and* shall be conducted, the returns made and the results ascertained
30 in the manner provided by law for general county elections except as
31 otherwise provided by law, and all persons desiring to be voted upon as
32 director, in any election, shall, not later than 12 noon of the Tuesday, 10
33 weeks preceding the first Tuesday in April in election years, file a
34 declaration of candidacy, accompanied by a filing fee of \$5, with the
35 county election officer of the county wherein the district is located, as a
36 candidate in such election, and the election officer in making up the ballots
37 and in placing the names thereon shall place the names on the ballots in
38 alphabetical order, but the returns of all special or bond elections shall be
39 made to the secretary and canvassed by the board of directors. The county
40 election officer shall remit such filing fees to the county treasurer for
41 deposit in the county general fund. The county election officer of the
42 county wherein the drainage district is situated shall appoint election
43 boards as provided by law for other elections and shall designate places for

1 holding the election. The county clerk shall cause to be ascertained the
2 names of all persons within the district who are also qualified electors, and
3 shall furnish lists thereof to the judges of the election.

4 (b) Notice of the time and place of holding each election, signed by
5 the county election officer, shall be given in a newspaper published in the
6 county and posted in a conspicuous place in the office of the board of
7 directors at least five days before the holding thereof. At all elections and
8 meetings held under the provisions of this act, only persons who are
9 qualified electors shall be entitled to vote. In counties having a population
10 of more than 150,000, at all elections and meetings held under the
11 provisions of this act, only persons who are taxpayers and residents of the
12 district who are qualified electors shall be entitled to vote. All election
13 expenses shall be paid for out of the general fund of the drainage district.
14 Election officials shall receive the same compensation as provided under
15 the general election laws.

16 (c) As used in this section, "taxpayer" means any person who owns
17 any real property or tangible property within the district who pays taxes
18 assessed on such property.

19 Sec. 13. K.S.A. 2012 Supp. 24-506 is hereby amended to read as
20 follows: 24-506. (a) The board of directors of any drainage district
21 incorporated pursuant to K.S.A. 24-501 et seq., and amendments thereto,
22 shall consist of one person from each county in the district if the number
23 of counties is odd, but if the number of counties is even, then there shall be
24 an additional director at large. If the drainage district is located wholly
25 within one county, the number of directors shall be three. Except as
26 provided in subsection (b), the directors shall be freeholders who shall be
27 residents of Kansas, whose lands in whole or in part are located within the
28 district. The directors shall *be elected on a partisan basis and shall* hold
29 their offices for a term of four years and until their successors are elected
30 and qualified. Elections to choose directors, except the first, shall be held
31 on the first Tuesday in April and every four years thereafter.

32 (b) If there are no residents in the drainage district, any owner of land
33 within the district shall be a qualified voter and shall be qualified to hold
34 the office of director.

35 Sec. 14. K.S.A. 25-202 is hereby amended to read as follows: 25-202.
36 (a) Except as otherwise provided in subsection (b) all candidates for
37 national, state, county ~~and~~, township *and municipal* offices shall be
38 nominated by: (1) A primary election held in accordance with *section 1,*
39 *and amendments thereto, and with* article 2 of chapter 25 of the Kansas
40 Statutes Annotated, and amendments thereto; or (2) independent
41 nomination petitions signed and filed as provided by existing statutes.

42 (b) Candidates for any of such offices who are members of any
43 political party whose candidate for governor did not poll at least 5% of the

1 total vote cast for all candidates for governor in the preceding general
2 election shall not be entitled to nomination by primary election but shall be
3 nominated by a delegate or mass convention according to article 3 of
4 chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

5 (c) No candidate for any national, state, county or township office
6 shall file for office as a partisan candidate in a primary election and also
7 file for office as an independent candidate for any national, state, county or
8 township office in the general election immediately following.

9 (d) The provisions of article 2 of chapter 25 of the Kansas Statutes
10 Annotated, and amendments thereto, shall not apply to the justices of the
11 supreme court or to judges of the district court in judicial districts which
12 have approved the proposition of nonpartisan selection of district court
13 judges, as provided in K.S.A. 20-2901, and amendments thereto, nor to
14 special elections to fill vacancies.

15 Sec. 15. K.S.A. 25-209 is hereby amended to read as follows: 25-209.
16 As soon as possible after the filing deadline, the secretary of state shall
17 certify to each county election officer the name and post-office address of
18 each person who has filed valid nomination petitions or a declaration of
19 intent to become a candidate for United States senator or representative or
20 for state office, together with the designation of the office for which each
21 is a candidate and the party or principle which the candidate represents.

22 The county election officer shall ~~forthwith~~, upon receipt thereof,
23 publish for three ~~(3)~~ consecutive weeks in the official paper, a notice
24 which shall set forth under the proper party designation, the title of each
25 national, state, county ~~and~~, township *and municipal* office any part of the
26 district of which is in the county, the names and addresses of all persons
27 certified by the secretary of state as candidates for any national or state
28 office any part of the district of which is in the county and, in addition
29 thereto, the names and addresses of all persons from whom valid
30 nomination papers or declarations have been filed in the county election
31 officer's office, giving the name and address of each, the day of the
32 primary election, the hours during which the polls will be open and stating
33 that the primary election will be held at the regular voting places. Where
34 such voting places are not well established and customarily known the
35 published notice herein provided for shall give the location of such voting
36 places.

37 Sec. 16. K.S.A. 2012 Supp. 25-213 is hereby amended to read as
38 follows: 25-213. (a) At all national and state primary elections, the
39 national and state offices as specified for each in this section shall be
40 printed upon the official primary election ballot for national and state
41 offices and the county and township offices as specified for each in this
42 section shall be printed upon the official primary election ballot for county
43 and township offices. The official primary election ballots shall have the

1 following heading:

2 OFFICIAL PRIMARY ELECTION BALLOT

3 _____ Party

4
 5 To vote for a person whose name is printed on the ballot make a cross
 6 or check mark in the square at the left of the person's name. To vote for a
 7 person whose name is not printed on the ballot, write the person's name in
 8 the blank space, if any is provided, and make a cross or check mark in the
 9 square to the left.

10 The words national and state or the words county and township shall
 11 appear on the line preceding the part of the form shown above.

12 The form shown shall be followed by the names of the persons for
 13 whom nomination petitions or declarations have been filed according to
 14 law for political parties having primary elections, and for the national and
 15 state offices in the following order: United States senator, United States
 16 representative from _____ district, governor and lieutenant governor,
 17 secretary of state, attorney general, state treasurer, commissioner of
 18 insurance, senator _____ district, representative _____ district, district
 19 judge _____ district, district magistrate judge _____ district, district
 20 attorney _____ judicial district, and member state board of education
 21 _____ district. For county and township offices the form shall be followed
 22 by the names of persons for whom nomination petitions or declarations
 23 have been filed according to law for political parties having primary
 24 elections in the following order: Commissioner _____ district, county clerk,
 25 treasurer, register of deeds, county attorney, sheriff, township trustee,
 26 township treasurer, township clerk. When any office is not to be elected, it
 27 shall be omitted from the ballot. Other offices to be elected but not listed,
 28 shall be inserted in the proper places. For each office there shall be a
 29 statement of the number to vote for.

30 To the left of each name there shall be printed a square. Official
 31 primary election ballots may be printed in one or more columns. The
 32 names certified by the secretary of state or county election officer shall be
 33 printed on official primary election ballots and no others. In case there are
 34 no nomination petitions or declarations on file for any particular office, the
 35 title to the office shall be printed on the ballot followed by a blank line
 36 with a square, and such title, followed by a blank line, may be printed in
 37 the list of candidates published in the official paper. No blank line shall be
 38 printed following any office where there are nomination petitions or
 39 declarations on file for the office except following the offices of precinct
 40 committeeman and precinct committeewoman. Except as otherwise
 41 provided in this section, no person's name shall be printed more than once
 42 on either the official primary election ballot for national and state offices
 43 or the official primary election ballot for county and township offices. No

1 name that is printed on the official primary election ballot as a candidate of
2 a political party shall be printed or written in as a candidate for any office
3 on the official primary election ballot of any other political party. If a
4 person is a candidate for the unexpired term for an office, the person's
5 name may be printed on the same ballot as a candidate for the next regular
6 term for such office. The name of any candidate on the ballot may be
7 printed on the same ballot as such candidate and also as a candidate for
8 precinct committeeman or committeewoman. No name that is printed on
9 the official primary election ballot for national and state offices shall be
10 printed or written in elsewhere on such ballot or on the official primary
11 election ballot for county and township offices except for precinct
12 committeeman or committeewoman. No name that is printed on the
13 official primary election ballot for county and township offices shall be
14 printed or written in on the official primary election ballot for national and
15 state offices or elsewhere on such county and township ballot except for
16 precinct committeeman or committeewoman.

17 (b) No person shall be elected to the office of precinct committeeman
18 or precinct committeewoman where no nomination petitions or
19 declarations have been filed, unless the person receives at least five write-
20 in votes. As a result of a primary election, no person shall receive the
21 nomination and no person's name shall be printed on the official general
22 election ballot when no nomination petitions or declarations were filed,
23 unless the person receives votes equal in number to not less than 5% of the
24 total of the current voter registration designated in the state, county or
25 district in which the office is sought, as compiled by the office of the
26 secretary of state, except that a candidate for township office may receive
27 the nomination and have such person's name printed on the ballot where
28 no nomination petitions or declarations have been filed if such candidate
29 receives three or more write-in votes. No such person shall be required to
30 obtain more than 5,000 votes.

31 (c) *The county election officer shall prepare the official primary*
32 *ballots for municipal elections.*

33 Sec. 17. K.S.A. 25-2107 is hereby amended to read as follows: 25-
34 2107. The general election of city officers shall be held on the first
35 Tuesday in April. ~~Except as otherwise provided by law or as provided by~~
36 ~~charter ordinance passed after April 30, 1968, pursuant to article 12,~~
37 ~~section 5, of the constitution of Kansas, Every city shall have an election~~
38 ~~of city officers in odd-numbered years only, and the terms of city officers~~
39 ~~shall be two (2) years. Provided, however, That the provisions of this~~
40 ~~section shall not invalidate, repeal or otherwise affect any charter as~~
41 ~~established by ordinance of any city of the third class having a population~~
42 ~~of not less than one thousand five hundred (1,500) nor more than two~~
43 ~~thousand (2,000) located in a county having a population of not less than~~

1 ~~fifty thousand (50,000) nor more than one hundred thousand (100,000),~~
2 ~~which ordinance had become effective prior to April 30, 1968.~~

3 Sec. 18. K.S.A. 2012 Supp. 25-2110 is hereby amended to read as
4 follows: 25-2110. (a) ~~In cities of the first and second class, Any person~~
5 ~~desiring to become a candidate for a city office elected at large shall file~~
6 ~~with the city clerk before the filing deadline a statement of such candidacy~~
7 ~~on a form furnished by the county election officer as specified by the~~
8 ~~secretary of state. The city clerk of any city upon receiving any filing~~
9 ~~under this section shall record the same and transmit it, together with the~~
10 ~~filing fee or petition herein provided, within three business days to the~~
11 ~~county election officer. In cities of the third class, any person desiring to~~
12 ~~become a candidate for city office elected at large shall file with the county~~
13 ~~election officer of the county in which the city is located, or of the county~~
14 ~~in which the greater population of the city is located if the city extends into~~
15 ~~more than one county, or the city clerk, before the filing deadline a~~
16 ~~statement of candidacy on a form furnished by the county election officer~~
17 ~~as specified by the secretary of state.~~

18 ~~(b) In cities having a population of less than 5,000, each such filing~~
19 ~~shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a~~
20 ~~petition signed by 25 qualified electors of the city or by a number of such~~
21 ~~qualified electors of the city equal to not less than 10% of the ballots cast~~
22 ~~at the last general city election, whichever is less.~~

23 ~~(c) In cities having a population of not less than 5,000 nor more than~~
24 ~~100,000, each such filing shall be accompanied by a filing fee of \$10 or, in~~
25 ~~lieu of such filing fee, by a petition signed by 50 qualified electors of the~~
26 ~~city or by a number of such qualified electors of the city equal to not less~~
27 ~~than 1% of the ballots cast and counted at the last general city election,~~
28 ~~whichever is less.~~

29 ~~(d) In cities having a population of more than 100,000, each such~~
30 ~~filing shall be accompanied by a filing fee of \$50; or, in lieu of such filing~~
31 ~~fee, by a petition signed by 100 qualified electors of the city or by a~~
32 ~~number of qualified electors of the city equal to 1% of the ballots cast at~~
33 ~~the last general city election, whichever is less. Filing fees and petition~~
34 ~~requirements in lieu of a filing fee shall be established by ordinance~~
35 ~~passed by the governing body of each city.~~

36 ~~(e) (b)~~ Within three days from the date of the filing of a nomination
37 petition or a declaration of intention to become a candidate for a city office
38 elected at large, the county election officer shall determine the validity of
39 such petition or declaration.

40 ~~(f) (c)~~ If a nomination petition or declaration is found to be invalid,
41 the county election officer shall notify the candidate on whose behalf the
42 petition or declaration was filed that such nomination petition or
43 declaration has been found to be invalid and the reason for the finding.

1 Such candidate may make objection to the finding of invalidity by the
2 county election officer in accordance with K.S.A. 25-308, and
3 amendments thereto.

4 ~~(g)~~ (d) All city elections shall be conducted by the county election
5 officer of the county in which such city is located, or of the county in
6 which the greater population of the city is located if the city extends into
7 more than one county.

8 Sec. 19. K.S.A. 25-2113 is hereby amended to read as follows: 25-
9 2113. ~~(a) Except as provided in subsection (b) of this section, All~~ city
10 elections shall be ~~nonpartisan~~ *partisan*. Laws applicable to elections
11 occurring at the same time as city elections shall apply to city elections to
12 the extent that the same are not in conflict with the provisions of this act.

13 ~~(b) The provisions of this subsection (b) shall apply to cities of the~~
14 ~~first class in counties which have been declared urban areas as authorized~~
15 ~~by article 2, section 17, of the constitution of Kansas. Election laws of a~~
16 ~~general nature which are applicable to partisan elections and which are not~~
17 ~~in conflict with this subsection (b) or any specific law applicable to~~
18 ~~election of city officers in any city to which this subsection (b) applies,~~
19 ~~shall apply to elections held under the provisions of this subsection (b).~~
20 ~~The county election officer shall prescribe the forms, ballots and ballot~~
21 ~~labels for every election conducted under this subsection (b), and shall~~
22 ~~make such rules and regulations not inconsistent with this subsection (b) as~~
23 ~~may be necessary for the conduct of such elections.~~

24 Sec. 20. K.S.A. 25-2115 is hereby amended to read as follows: 25-
25 2115. Names of candidates appearing on the ballots in primary and general
26 city elections ~~in cities of the first and second class~~ shall be listed in the
27 various possible orders in rotation.

28 Sec. 21. K.S.A. 2012 Supp. 42-706 is hereby amended to read as
29 follows: 42-706. (a) The officers of such district shall be a board of
30 directors *elected on a partisan basis* consisting of three members who
31 shall be persons entitled to vote as provided in subsection (h) and residents
32 of a county in which the district or a portion thereof is located, or county
33 adjoining a county in which such irrigation district or a portion thereof is
34 located. Such members shall hold office for a period of three years, and
35 each shall serve until a successor has been elected and qualified. The
36 members of the board of directors first elected after the creation of an
37 irrigation district shall hold their respective offices until the next regular
38 election for the election of directors as provided in subsection (e) or (f) of
39 this section except that the terms of the three directors shall be as provided
40 in subsection (e) of this section.

41 (b) The chief engineer of the division of water resources, after the
42 incorporation of such irrigation district, shall establish and designate the
43 polling place or places therein where the first election will be conducted

1 and fix the time for such election within 60 days after the date of
2 incorporation. In any irrigation district of more than 35,000 acres, the chief
3 engineer of the division of water resources shall, prior to designating
4 polling places, establish three voting areas within such district as equal as
5 possible in acreage and shall designate the same as the first, second or
6 third voting area. Such polling place or places may thereafter be changed
7 by the board of directors, and the board may arrange for polling places
8 outside the corporate boundaries of the district if such places are more
9 convenient than locations within the district. Prior to the holding of the
10 first election in newly created districts, the chief engineer of the division of
11 water resources shall appoint from the qualified electors of the district
12 three persons for such election for each voting place who shall constitute
13 boards of election for such district for such election. If the members
14 appointed do not attend at the opening of the polls on the day of election,
15 at the opening hour, the electors present at that hour shall elect from the
16 electors present members of the election board necessary to fill the place
17 of any absent member.

18 (c) The board of directors of every district of more than 35,000 acres
19 which was incorporated prior to the effective date of this act shall establish
20 three voting areas within the district as equal as possible in acreage and
21 designate the same as the first, second or third voting area. The board shall
22 also establish and designate the polling place or places within each voting
23 area. At the first election held after the effective date of this act, a director
24 shall be elected from each voting area and the person receiving the highest
25 number of votes shall serve for a term of three years, the person receiving
26 the second highest number of votes shall serve for a term of two years, and
27 the person receiving the third highest number of votes shall serve for a
28 term of one year. At each subsequent election, only one director shall be
29 elected each year for a term of three years. Any director elected under this
30 provision must be a person entitled to vote as provided in subsection (h).

31 (d) (1) Except as provided in paragraph (2), all elections shall be
32 conducted in accordance with the general election laws of the state except
33 as otherwise provided in this act. Advance voting as provided in article 11
34 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto,
35 shall be provided for by the county election officers and boards of
36 directors for those persons entitled to vote under subsection (h). The forms
37 for the ballot envelope declaration as provided in K.S.A. 25-1120, and
38 amendments thereto, and the applications for advance ballots as provided
39 in K.S.A. 25-1122d, and amendments thereto, shall be modified to
40 establish that such person is a qualified owner of irrigable land within the
41 district. After polls are closed the election boards shall proceed to canvass
42 the votes cast thereat, shall certify to the county election officer of the
43 county in which all or the greater part of the population of the irrigation

1 district is located and the chief engineer the result of such election. The
2 clerks shall then securely wrap the ballots cast at such elections and shall
3 express or mail the same by registered mail to the county election officer
4 of the county in which all or the greater part of the population of the
5 irrigation district is located. The county election officer shall canvass the
6 ballots, verify the results and declare the person receiving the highest
7 number of votes duly elected as director except that at the first election
8 after creation of a district the county election officer of the county in
9 which all or the greater part of the population of the irrigation district is
10 located shall declare the three persons receiving the highest number of
11 votes duly elected as directors except that in districts divided into three
12 voting areas, the person receiving the highest number of votes in each
13 voting area shall be duly elected as director. Such county election officer
14 shall immediately mail, to each person elected to the office of director a
15 certificate of election signed by such officer. The directors shall thereupon
16 qualify and enter upon the duties of their office. Directors shall qualify by
17 taking and subscribing to an oath of office of substantially the same tenor
18 as oath of office prescribed for county officials. Each member of the board
19 of directors shall execute an official bond in the sum of \$1,000 which oath
20 and bond shall be filed with the county election officer of the county in
21 which all or the greater part of the population of the irrigation district is
22 located. The treasurer of each irrigation district shall execute to the district
23 a corporate surety bond in an amount at least equal to 125% of the amount,
24 as near as can be ascertained, that shall be in such person's hands as
25 treasurer at any one time. The amount and sufficiency of the bond of the
26 treasurer shall be determined by the county election officer. Upon approval
27 of the bond, the county election officer shall endorse such approval
28 thereon and file the same in the office of the county election officer and
29 shall immediately notify the county treasurer of the county in which the
30 registered office of the irrigation district is located of such approval and
31 filing. In the event of the breach of any condition of the treasurer's bond,
32 the president and secretary of the board shall cause a suit to be commenced
33 thereon in the name of the irrigation district. It shall not be necessary to
34 include the treasurer as a party to the action and the money collected shall
35 be applied to the use of the district, as the same should have been applied
36 by the treasurer. Should the president and secretary neglect or refuse to
37 prosecute such a suit, then any person entitled to vote as provided in
38 subsection (h) may cause such suit to be instituted. Premiums on surety
39 bonds for such directors and treasurers of irrigation districts shall be paid
40 by the district out of its general funds. In case the office of any director
41 shall become vacant the remaining members of the board shall fill the
42 vacancy by appointment. A director appointed to fill a vacancy shall serve
43 the unexpired term of the director whose term such person was appointed

1 to fill.

2 (2) For any election except the election required in subsection (b), the
3 board of directors may adopt a procedure providing for the election of
4 members by mail ballot. Such procedure shall require the board to mail
5 ballots to all persons entitled to vote, to receive and tabulate the ballots, to
6 canvass the election and to certify the results to the county election officer.
7 The irrigation district shall be responsible for the direct expenses of
8 conducting the election. The ballot envelope used for mailing ballots shall
9 contain a declaration establishing that the person who signs the declaration
10 is a qualified owner of irrigable land within the district.

11 (e) All regular elections of directors of irrigation districts shall be *on*
12 *a partisan basis and shall be* held the first Tuesday in March except as
13 provided by subsection (g). Any districts organized after the regular March
14 election shall hold its election at the next regular March election following
15 incorporation of the district and, at this election three directors shall be
16 elected and the person receiving the highest number of votes shall serve
17 for a term of three years, the person receiving the second highest number
18 of votes shall serve for a term of two years, and the person receiving the
19 third highest number of votes shall serve for a term of one year. In case the
20 first election after creation of a district is held between June 1 of any year
21 and the day preceding the first Tuesday in March of the next succeeding
22 year, the next regular March election shall be held in the second
23 succeeding year. At each subsequent regular election, only one director
24 shall be elected each year for a term of three years. All persons desiring to
25 be voted upon as directors shall at least 30 days before the day of holding
26 of the elections, file such person's name with the county election officer of
27 the county in which all or the greater part of the population of the
28 irrigation district is located, affixed to a statement that such person desires
29 such person's name to be placed on the ticket as a candidate for member of
30 board of directors of the district in such election. The county election
31 officer shall make up the ticket, at expense of the irrigation district, and
32 place the names thereon in alphabetical order and shall supply election
33 officials with necessary ballots and polling books at the irrigation district's
34 expense. At least five days before any election held subsequent to first
35 election of directors, the boards of directors shall name and appoint three
36 persons for each voting place, who shall be qualified electors in the
37 district. At least five days before any election, the county clerks of the
38 various counties within which a portion of the district is located, shall
39 cause to be ascertained the names of all persons entitled to vote as
40 provided in subsection (h) and shall furnish lists thereof to each election
41 board within such county and to the secretary of the board of directors of
42 the district. Notice of the time and places of holding of the election, signed
43 by the president and attested by the secretary of the district shall be given

1 in some newspaper or newspapers of general circulation in the district for
2 one issue at least five days prior to date of the election. The return of all
3 special or bond elections shall be made to the secretary of the district, and
4 canvassed by the board of directors. All expenses of election, not
5 otherwise provided for herein, shall be paid for out of the general funds of
6 the irrigation district. Election officials shall receive the same
7 compensation as provided under general election laws.

8 (f) In lieu of the election procedures provided in this section
9 pertaining to regular elections of directors in accordance with the general
10 election laws of the state, the board of directors of any irrigation district of
11 less than 35,000 acres in size may call an annual meeting of all persons
12 entitled to vote as provided in subsection (h) for the purpose of electing
13 directors. Such annual meeting shall be held on the first Tuesday in March,
14 except as provided by subsection (g). Notice of the time and place of
15 holding said annual meeting shall be given in some newspaper or
16 newspapers of general circulation in the district for one issue at least 30
17 days prior to date of such meeting. Elections at the annual meeting shall be
18 by ballot, with absentee voting as provided under subsection (d) of this
19 section. All persons desiring to be voted upon as director shall at least 30
20 days before the day of holding the annual meeting file such person's name
21 with the secretary of the board of directors of the district, affixed to a
22 statement that such person desires such person's name to be placed on the
23 ballot as a candidate for member of board of directors of the district. The
24 board of directors shall appoint three owners of irrigable land in the
25 district to serve as an election board at the annual meeting. After the votes
26 are cast at the annual meeting the election board shall proceed to canvass
27 the votes and shall certify to the county election officer of the county in
28 which all or the greater part of the population of the irrigation district is
29 located and the chief engineer the result of such election. All provisions of
30 this section not inconsistent with the provisions of subsection (f) shall
31 apply to the election of directors at the annual meeting.

32 (g) In any case where the time for any regular election of directors as
33 described in subsection (e), or the election as described in subsection (f), is
34 the same for any two districts having the same district manager, such
35 election shall be held on the first Wednesday following the first Tuesday in
36 March by the district organized latest in time.

37 (h) Until such time as assessments are made in the district pursuant to
38 K.S.A. 42-715, and amendments thereto, those persons entitled to vote
39 shall be "qualified owners of land" within the irrigation district, as such
40 term is defined in K.S.A. 42-701, and amendments thereto, and who are
41 otherwise qualified electors.

42 After lands have been assessed in the district pursuant to K.S.A. 42-
43 715, and amendments thereto, those persons entitled to vote shall be

1 "qualified owners of land" within the irrigation district as such term is
2 defined in K.S.A. 42-701, and amendments thereto, which has been
3 assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are
4 otherwise qualified electors. For voting purposes, any person entitled to
5 vote under this subsection who owns land in more than one voting area
6 shall vote in the voting area which includes the greatest portion of such
7 person's land. As used in this section, the term "qualified electors" shall
8 include a person who is the legal qualified owner of irrigable land or a
9 person, who is authorized, in writing, to vote for a trust, corporation,
10 association or partnership which is the legal qualified owner of irrigable
11 land. Such person is not required to be a resident of the district. Such trust,
12 corporation, association or partnership shall be allowed only one vote. The
13 person authorized by such entity to vote shall be someone who is not
14 otherwise entitled to a vote under this section.

15 Sec. 22. K.S.A. 71-1412 is hereby amended to read as follows: 71-
16 1412. Each member of the board of trustees of a community college shall
17 be elected *on a partisan basis* for a four-year term commencing on the
18 July 1 following election. Members shall serve until their successors are
19 elected or appointed and qualified.

20 Sec. 23. K.S.A. 71-1419 is hereby amended to read as follows: 71-
21 1419. (a) The election of trustees of community colleges shall be
22 ~~nonpartisan~~ *partisan* and laws applicable ~~only~~ to partisan elections shall
23 ~~not~~ apply in such elections. All laws applicable to elections, the violation
24 of which is a crime, shall be applicable to election of trustees of
25 community colleges.

26 (b) Except as is provided in (a) above, laws applicable to local
27 elections, including voter registration laws, occurring at the same time as
28 election of trustees shall apply to the election of trustees to the extent that
29 the same are not in conflict with the provisions of this act. The provisions
30 of this subsection (b) shall not apply to election notices.

31 (c) Ballots for election of trustees shall be canvassed by the members
32 of election boards canvassing ballots in other local elections insofar as is
33 practicable, and where it is not practicable, the county election officer shall
34 provide for such canvass by other appropriate means.

35 Sec. 24. K.S.A. 72-7901 is hereby amended to read as follows: 72-
36 7901. The governing body of a unified school district is and shall be a
37 board of education composed of seven~~(7)~~ members, except as is
38 specifically otherwise provided in K.S.A. 72-5333b. The members may be
39 elected *on a partisan basis* by any combination of method of election and
40 voting plan authorized by law, and shall serve for a term of four~~(4)~~ years.

41 Sec. 25. K.S.A. 12-344, 12-1001, 12-1002, 12-1003, 12-1004, 12-
42 1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-
43 1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-

1 1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015,
2 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-
3 1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031,
4 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-
5 1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-
6 1038, 13-1220, 13-1221, 19-3505, 19-3507, 25-202, 25-209, 25-2107, 25-
7 2113, 25-2115, 71-1412, 71-1419 and 72-7901 and K.S.A. 2012 Supp. 2-
8 624, 12-363, 24-412, 24-414, 24-506, 25-213, 25-2110 and 42-706 are
9 hereby repealed.

10 Sec. 26. This act shall take effect and be in force from and after its
11 publication in the statute book.