

{As Amended by Senate Committee of the Whole}

Substitute for SENATE BILL No. 171

By Committee on Ethics and Elections

2-20

Proposed Amendments to Sub for SB 171
March 12, 2015
Prepared by: Mike Heim
Office of Revisor of Statutes
Municipal elections - top

1 AN ACT concerning elections and voting; relating to certain
2 municipalities and special districts; amending K.S.A. 2-623, ~~{10-120,~~
3 ~~12-138, 12-344, 12-615,}~~ 13-1221, ~~{19-117,}~~ 19-2760, 19-3505, 19-
4 3507, 24-504, 25-204, 25-209, 25-210, 25-212, 25-610, 25-1115, 25-
5 2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-
6 2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-
7 2804, 25-2901, 25-3503, ~~{68-438,}~~ 71-1408, 71-1412, 71-1413, 71-
8 1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624,
9 ~~{12-363, 12-1737, 19-15,116,}~~ 24-412, 24-414, 24-459, 24-506, 25-
10 205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a,
11 25-2110, 25-2311, 25-3801 ~~and {,}~~ 42-706 ~~{and 72-6433}~~ and repealing
12 the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003,
13 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-
14 1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005i, 12-1005k, 12-1005l,
15 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-
16 1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-
17 1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-
18 1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-
19 1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e,
20 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-2762 and 71-
21 1417.

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

23
24 New Section 1. (a) On and after January 1, 2017, all primary
25 elections for members of the governing body and other elected officials of
26 any municipality shall be held on the first Tuesday in August of 2017 and
27 on such date thereafter of odd-numbered years, and all general elections
28 for members of the governing body and other elected officials of any
29 municipality shall be held on the Tuesday succeeding the first Monday in
30 November of 2017 of odd-numbered years and on such date thereafter.

31
32 (b) ~~{(1)}~~ The term of members of governing bodies and other elected
33 officials of any municipality that would expire at any time in 2017 shall
34 expire on the second Monday in January of 2018, when newly elected
35 members of the governing body and other newly elected officials shall
36 take office.

~~{(2)}~~ *The term of members of governing bodies and other elected*

Attachment: 4-1
Date: 3-16-2015

House Elections

names of candidates or pair of candidates for all offices on the voting machines shall be rotated, as near as may be, according to precinct.

The arrangement of the names certified by the secretary of state shall govern the county election officer in arranging the primary election ballot, and the county election officer in preparing the ballot for such officer's county shall follow the same arrangement as provided in this section for the secretary of state, for the candidates nominated for county offices, using the township and precincts of the county in making the division.

(b) The secretary of state by rules and regulations shall establish the arrangement of names for the official primary ballot for municipal elections.

Sec. 24. K.S.A. 2014 Supp. 25-213 is hereby amended to read as follows: 25-213. (a) At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices.

(b) The official primary election ballots shall have the following heading:

OFFICIAL PRIMARY ELECTION BALLOT

Party

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

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

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from _____ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator _____ district, representative _____ district, district judge _____ district, district magistrate judge _____ district, district attorney _____ judicial district, and member state board of education _____ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: Commissioner _____ district, county clerk, treasurer, register of deeds, county attorney, sheriff, township trustee,

municipal.

municipal.

Except as provided in section (e), the

1 township treasurer, township clerk. When any office is not to be elected, it
2 shall be omitted from the ballot. Other offices to be elected but not listed,
3 shall be inserted in the proper places. For each office there shall be a
4 statement of the number to vote for.

5 To the left of each name there shall be printed a square. Official
6 primary election ballots may be printed in one or more columns. The
7 names certified by the secretary of state or county election officer shall be
8 printed on official primary election ballots and no others. In case there are
9 no nomination petitions or declarations on file for any particular office, the
10 title to the office shall be printed on the ballot followed by a blank line
11 with a square, and such title, followed by a blank line, may be printed in
12 the list of candidates published in the official paper. No blank line shall be
13 printed following any office where there are nomination petitions or
14 declarations on file for the office except following the offices of precinct
15 committeeman and precinct committeewoman.

16 (c) Except as otherwise provided in this section, no person's name
17 shall be printed more than once on either the official primary election
18 ballot for national and state offices or the official primary election ballot
19 for county and township offices. No name that is printed on the official
20 primary election ballot as a candidate of a political party shall be printed or
21 written in as a candidate for any office on the official primary election
22 ballot of any other political party. If a person is a candidate for the
23 unexpired term for an office, the person's name may be printed on the
24 same ballot as a candidate for the next regular term for such office. The
25 name of any candidate on the ballot may be printed on the same ballot as
26 such candidate and also as a candidate for precinct committeeman or
27 committeewoman. No name that is printed on the official primary election
28 ballot for national and state offices shall be printed or written in elsewhere
29 on such ballot or on the official primary election ballot for county and
30 township offices except for precinct committeeman or committeewoman.
31 No name that is printed on the official primary election ballot for county
32 and township offices shall be printed or written in on the official primary
33 election ballot for national and state offices or elsewhere on such county
34 and township ballot except for precinct committeeman or
35 committeewoman.

36 (d) No person shall be elected to the office of precinct committeeman
37 or precinct committeewoman where no nomination petitions or
38 declarations have been filed, unless the person receives at least five write-
39 in votes. As a result of a primary election, no person shall receive the
40 nomination and no person's name shall be printed on the official general
41 election ballot when no nomination petitions or declarations were filed,
42 unless the person receives votes equal in number to not less than 5% of the
43 total of the current voter registration designated in the state, county or

district in which the office is sought, as compiled by the office of the secretary of state, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nomination petitions or declarations have been filed if such candidate receives three or more write-in votes. No such person shall be required to obtain more than 5,000 votes.

~~(e)~~ *The secretary of state by rules and regulations shall develop the official ballot for ~~municipal~~ elections in odd-numbered year elections.*

Sec. 25. K.S.A. 25-610 is hereby amended to read as follows: 25-610.

(a) The secretary of state shall furnish to each county election officer forms for ballots in their respective counties. The secretary of state shall prepare a rotation of the different candidates appearing on the official general ballot for the national and state offices for each such office. Such rotation shall be developed and arranged so that each candidate shall have an equal opportunity as near as practicable for the respective offices to which they are nominated. In case there is more than one candidate for any national or state office, the secretary of state shall divide the state or part thereof, into as many divisions as there are names to go on the ballot for each particular office. In making such division the secretary of state shall divide, in regular order, the alphabetical list of counties into the required number of divisions, in such a manner that all divisions are as nearly equal as convenient in the number of registered voters in such division as compiled by the office of the secretary of state. The secretary of state, in certifying the list of names of candidates to the county election officers, shall assign, in regular order from the alphabetical list of candidates for each office, the ballot position for each candidate in such a manner that every candidate for any office shall occupy a different ballot position in each division. When, in the case of candidates for national or state offices elected on less than a statewide basis, the secretary of state finds it impossible to make a division which allows each such candidate in any given district an equitable or fair opportunity to have such candidate's name first on the ballot in the respective counties of the district, the secretary of state shall order the county election officers in the various counties of the district to rotate the names of the candidates for such district offices according to precinct to obtain an equitable division. The names of candidates for the same office but for different terms of service therein shall be arranged in groups according to the length of their respective terms.

In the case of the governor and lieutenant governor running together, when the word "candidate" is used in this section, it shall mean pair of candidates.

~~(b)~~ *The secretary of state shall establish the general election ballot styles for general elections in odd-numbered year elections for*

(e) The secretary of state by rules and regulations shall develop the official primary election ballot to place all municipal primary elections at the top of the ballot.

(f)

special district

(b) The secretary of state by rules and regulations shall develop the official general election ballot to place all municipal elections at the top of the ballot.

(c)

44

~~Amendments~~ by rules and regulations.

special districts

municipal,

municipal offices followed by the

secretary of state, attorney general, (and any other officers elected from the state as a whole), state senator _____ district, state representative _____ district, district judge _____ district, district magistrate judge _____ district, district attorney _____ judicial district, and state board of education member _____ district.

and

(c) The secretary of state by rules and regulations shall develop the order of arrangement of municipal offices on the general election ballot.

(d) ~~The arrangement of offices on the general ballot for~~ special districts and cities, if needed,

~~municipalities in odd-numbered year elections shall be established by the~~

Sec. 27. K.S.A. 2014 Supp. 25-618 is hereby amended to read as follows: 25-618. (a) The official general ballot for county and township offices may be separate from the official general ballot for national and state offices or may be combined with the official general ballot provided for in K.S.A. 25-601, and amendments thereto. The secretary of state shall prescribe the ballot format but the ballot shall be substantially in the form shown in this section and K.S.A. 25-611, and amendments thereto.

STATE OF KANSAS

OFFICIAL GENERAL BALLOT

County and Township Offices

County of _____, City (or Township) of _____

November _____, _____ year

To vote for a person, make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

FOR COUNTY COMMISSIONER

DISTRICT

Vote for One

☐ _____

4-5