

HOUSE BILL No. 2086

By Committee on Elections

1-19

1 AN ACT concerning elections; relating to election procedures; clarifying
2 duties and qualifications of certain election officials; redefining certain
3 election crimes; amending K.S.A. 10-120, 15-809, 19-303, 19-804, 19-
4 3419, 19-3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-
5 213, 25-303, 25-305, 25-308, 25-321, 25-432, 25-433, 25-604, 25-610,
6 25-901, 25-1122, 25-1214, 25-1903, 25-2005, 25-2008, 25-2018, 25-
7 2021, 25-21a02, 25-2310, 25-2507, 25-26a03, 25-2702, 25-2703, 25-
8 2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-2905, 25-3002, 25-
9 3005, 25-3005a, 25-3104, 25-3107, 25-3201, 25-3301, 25-3303, 25-
10 3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-4322, 25-4612, 25-
11 4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424, 25-3009
12 and 25-4414 and repealing the existing sections; also repealing K.S.A.
13 25-222, 25-305b, 25-1709, 25-1710, 25-2601, 25-4502, 25-4503, 25-
14 4505, 25-4506, 25-4507 and 25-4508.

15

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

17 New Section 1. (a) The secretary of state shall oversee the conduct of
18 statewide elections in this state as the chief election officer and shall be
19 responsible for assisting and advising county election officers in
20 conducting elections in compliance with federal and state laws and rules
21 and regulations.

22 (b) Each county election officer shall be the sole public officer
23 responsible for planning, conducting and coordinating elections held
24 within such officer's county. Such officer shall be responsible for ensuring
25 that all such elections comply with federal and state law and rules and
26 regulations.

27 New Sec. 2. No person shall serve as a county election officer if such
28 person has been convicted of any crime described in chapter 25 of the
29 Kansas Statutes Annotated, and amendments thereto, or of any crime in
30 any other jurisdiction that is substantially the same as any such crime.

31 New Sec. 3. No county election office or any employee or agent
32 thereof shall create, or permit any other person to create, or disclose to any
33 person an image of the hard drive of any electronic or electromechanical
34 voting system, optical scanning equipment or any other voting system that
35 contains a hard drive component without the written consent of the
36 secretary of state.

1 preceding primary election in the proper column opposite the voter's name.

2 Sec. 56. K.S.A. 25-3801 is hereby amended to read as follows: 25-
3 3801. (a) At each primary election, the members of the party residing in
4 each precinct in each county of the state shall elect a man ~~of their number~~
5 *from such members* as precinct committeeman and a woman ~~of their~~
6 ~~number from such members~~ as precinct committeewoman. No person shall
7 be eligible *to file a declaration of intention to be a candidate for*; to be a
8 candidate for or hold the office of precinct committeeman or precinct
9 committeewoman of a party in any precinct unless ~~such~~ person actually

the

10 lives, resides ~~and occupies a place of abode~~ in such precinct, ~~and is in all~~
11 ~~other respects~~ a qualified elector and is ~~shown as~~ a member of such party
12 on the party affiliation list; *maintained* in the office of the county election
13 officer. *The chairperson of the state or county political party may file an*
14 *objection with the county election officer at any time to challenge the*
15 *eligibility of a person to be a candidate for or to serve as a precinct*
16 *committeeman or committeewoman of such party. Each precinct*
17 *committeeman and committeewoman shall assume the duties of precinct*
18 *committeeman and committeewoman on the day after the primary election*
19 *and shall not be required to take an oath under K.S.A. 54-106, and*
20 *amendments thereto.* Except as provided in subsection (b), any vacancy

(c)

(b)

21 occurring in the office of precinct committeeman or committeewoman
22 shall be ~~promptly~~ filled by appointment by the county chairperson, ~~except~~
23 ~~that~~ any vacancy ~~which~~ that occurs because the party had no candidate at

Strike in lines 22 & 23

the

24 ~~such~~ primary election shall not be filled until the county central committee
25 has elected or reelected its chairperson. Not later than three days after
26 appointment of precinct committeemen and committeewomen, the county
27 chairperson making the appointments shall notify the county election
28 officer of such appointments. The county election officer shall make such
29 appointments public immediately upon receipt thereof. ~~As used in this act,~~
30 ~~"primary election" means the statewide election held in August of even-~~
31 ~~numbered years.~~

and include the name, address, email address, if available, and a phone number or phone numbers, including a mobile phone number, if available, of each appointee in such notification

Strike in lines 29-31

(c)

32 (b) (1) When a convention is to be held under article 39 of chapter 25
33 of Kansas Statutes Annotated, *and amendments thereto*, to fill a vacancy,
34 no appointments shall be made under subsection (a):

35 (1)(A) After the county chairperson has received notice from the
36 county election officer of a vacancy or a pending vacancy in a county
37 elected office; or

38 (2)(B) after the county chairperson in each county, all or a part of
39 which, is located within a legislative district has received notice from the
40 secretary of state of a vacancy or a pending vacancy in a legislative office.

41 (2) After the vacancy has been filled by a person elected at a
42 convention held under article 39 of chapter 25 of the Kansas Statutes
43 Annotated, *and amendments thereto*, any vacancy in the office of precinct

1 committeeman or committeewoman shall be filled as provided by
2 subsection (a).

3 Sec. 57. K.S.A. 25-4004 is hereby amended to read as follows: 25-
4 4004. The provisions of K.S.A. 25-205, and amendments thereto, shall not
5 apply to the offices of governor and lieutenant governor. The names of
6 candidates for governor and lieutenant governor shall be printed upon the
7 official primary ballot when each pair thereof shall have qualified to
8 become candidates in one or the other of the following methods ~~and none~~
9 ~~other: First, they shall have had filed in~~

10 (a) *Nomination petitions shall be filed on their behalf, not later than*
11 *12 noon, June 1, prior to such primary election, or if such date falls on*
12 *Saturday, Sunday or a legal holiday, then before 12 noon the following*
13 *business day; ~~nomination papers, commonly called nomination petitions,~~*
14 *as provided for in K.S.A. 25-4005, and amendments thereto; or, ~~second,~~*
15 *they*

16 (b) *such persons shall have filed not later than the time for filing*
17 *nomination ~~papers~~ petitions, as ~~above~~ provided in *paragraph (a)*, with the
18 secretary of state, ~~as hereinafter prescribed~~; a declaration of intention to
19 become candidates; accompanied by a fee as provided in K.S.A. 25-4006,
20 and amendments thereto.*

21 Sec. 58. K.S.A. 25-4005 is hereby amended to read as follows: 25-
22 4005. (a) ~~The nomination papers or petitions as mentioned described in~~
23 ~~K.S.A. 25-4004, and amendments thereto, shall be in substantially the~~
24 ~~following form:~~

25 _____ I,
26 the undersigned, an elector of the county of _____, and state of
27 Kansas, and a duly registered voter and a member of the _____
28 party, hereby nominate

29 _____
30 (Here insert name and city)
31 and state of Kansas as a candidate for the office of governor, and
32 running with such candidate

33 _____
34 (Here insert name and city)
35 and state of Kansas as a candidate for the office of lieutenant governor
36 to be voted for at the primary to be held on the first Tuesday in August in
37 _____, as representing the principles of such party; and I further
38 declare that I intend to support the candidates herein named and that I have
39 not signed and will not sign any *nomination* petition ~~or nomination paper~~
40 for any other persons, for such offices at the next ensuing election.

41 (HEADING)
42 Name of Street Number Name of Date of
43 Signers or RR City Signing

(d) If a precinct committeeman or committeewoman is elected as a write-in candidate, the county clerk shall request from the appropriate county chairperson the name, address, email address, if available, and a phone number or phone numbers, including a mobile phone number, if available, of such elected precinct committeeman or committeewoman.
(e) Each precinct committeeman and committeewoman shall report any changes in such person's name, address, email address and phone numbers to the county election officer not later than 10 days after such change.
(f) The county election officer shall send to the secretary of state within seven days after each primary election in even-numbered years a list of who holds the office of precinct committeeman or committeewoman along with the name, address, phone number and email address, if available, of each such person. The county officer shall report all updates of such information at the time such updates are received to the secretary of state. The secretary of state shall keep an updated list of all precinct committeepersons, including their names, addresses, phone numbers and their email addresses, if available.
(g) As used in this section, "primary election" means the election held on the first Tuesday in August of even-numbered years.

1 appear on primary college district election ballots.
2 Sec. 66. K.S.A. 10-120, 15-809, 19-303, 19-804, 19-3419, 19-3422,
3 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-213, 25-222, 25-
4 303, 25-305, 25-305b, 25-308, 25-321, 25-432, 25-433, 25-604, 25-610,
5 25-901, 25-1122, 25-1214, 25-1709, 25-1710, 25-1903, 25-2005, 25-2008,
6 25-2018, 25-2021, 25-21a02, 25-2310, 25-2507, 25-2601, 25-26a03, 25-
7 2702, 25-2703, 25-2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-2905,
8 25-3002, 25-3005, 25-3005a, 25-3104, 25-3107, 25-3201, 25-3301, 25-
9 3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-4322, 25-4502,
10 25-4503, 25-4505, 25-4506, 25-4507, 25-4508, 25-4612, 25-4703, 25-
11 4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424, 25-3009 and 25-4414
12 are hereby repealed.
13 Sec. 67. This act shall take effect and be in force from and after its
14 publication in the statute book.