

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2086

By Committee on Elections

1-19

Proposed Amendments to
House Bill No. 2086
(As Amended by House Committee of the Whole)
Senate Committee on Federal and State Affairs
"Write-in Affidavits"
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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, ~~25-1115~~, 25-1122, 25-1214, 25-1903, 25-2005, 25-2008, 25-
7 2018, 25-2021, 25-21a02, 25-2310, ~~25-2502~~, 25-2507, 25-26a03, 25-
8 2702, 25-2703, 25-2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-
9 2905, 25-3002, 25-3005, 25-3005a, 25-3104, 25-3107, 25-3201, 25-
10 3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-
11 4322, 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp.
12 19-3424, 25-3009 and 25-4414 and repealing the existing sections; also
13 repealing K.S.A. 25-222, 25-305b, 25-1709, 25-1710, 25-2601, 25-
14 4502, 25-4503, 25-4505, 25-4506, 25-4507 and 25-4508.

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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

1 not less than 5% of the current total of qualified voters of such township,
2 computed as above provided, for each candidate, and in no case to be
3 signed by less than 10 such voters of such township for each candidate.

4 (e)(f) The signatures to such nomination petitions need not all be
5 appended to one paper, but each registered voter signing an independent
6 certificate of nomination shall add to the signature such petitioner's place
7 of residence and post office address. All signers of each separate
8 nomination petition shall reside in the same county and election district of
9 the office sought. The affidavit of the candidate or a petition circulator
10 shall be appended to each petition and shall contain, at the end of each set
11 of documents carried by each circulator or candidate, a verification, signed
12 by the circulator or candidate, to the effect that such circulator or candidate
13 personally witnessed the signing of the petition by each person whose
14 name appears thereon.

15 (f)(g) No such nomination ~~paper~~ petition shall contain the name of a
16 candidate for governor without in the same such ~~paper~~ petition containing
17 the name of a candidate for lieutenant governor, and if it does it shall be
18 void.

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

22 (i) *Not later than the date of the meeting of the state board of*
23 *canvassers in accordance with K.S.A. 25-3205, and amendments thereto,*
24 *the secretary of state shall determine the validity of the independent*
25 *nominating petitions. If any independent nomination petitions are found to*
26 *be invalid, the secretary of state shall notify the candidate on whose behalf*
27 *the independent nomination petitions were filed that such nomination*
28 *petitions have been found to be invalid and the reason for such finding of*
29 *invalidity. Such candidate may make objection to the finding of invalidity*
30 *by the secretary of state in accordance with K.S.A. 25-308, and*
31 *amendments thereto.*

32 ~~Sec. 19. K.S.A. 25-305 is hereby amended to read as follows: 25-305.~~

33 ~~(a) Certificates of nomination by convention or caucus for the nomination~~
34 ~~of candidates for national, state, county and township offices shall be filed~~
35 ~~with the secretary of state, or the county election officer, not later than~~
36 ~~12:00 noon, on the day fixed for the deadline for filing petitions for~~
37 ~~nomination and declarations of intent *intention* to become candidates in~~
38 ~~accordance with K.S.A. 25-205, and amendments thereto, preceding the~~
39 ~~national, state, county and township general election, except when such~~
40 ~~date falls on Saturday, Sunday or a holiday, and then not later than 12:00~~
41 ~~noon the following day that is not a Saturday, Sunday or a holiday.~~

42 ~~(b) Independent nomination petitions for the nomination of~~
43 ~~candidates for national, state, county and township offices shall be filed~~

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Strike all in lines 1-22

1 ~~with the secretary of state or the county election officer no later than 12:00~~
2 ~~noon on the Monday preceding the date fixed for the holding of primary~~
3 ~~elections in accordance with K.S.A. 25-203, and amendments thereto,~~
4 ~~preceding a national, state, county or township general election.~~

5 ~~(c) An affidavit of write in candidacy for the offices of governor and~~
6 ~~lieutenant governor shall be filed with the secretary of state no later than~~
7 ~~12:00 noon on the 2nd Monday preceding the general election for those~~
8 ~~offices.~~

9 ~~(d) An affidavit of write in candidacy for the offices of president and~~
10 ~~vice president shall be filed with the secretary of state no later than 12:00~~
11 ~~noon on the 2nd Monday preceding the general election for those offices.~~

12 ~~(e) An affidavit of write in candidaey for state offices elected on a~~
13 ~~statewide basis other than offices subject to subsection (c) shall be filed~~
14 ~~with the secretary of state no later than 12:00 noon on the second Monday~~
15 ~~preceding the election at which the write in candidate seeks nomination or~~
16 ~~election. Any person who desires to be a write in candidate for any national~~
17 ~~or state office shall file an affidavit of write in candidacy with the~~
18 ~~secretary of state not later than 12:00 noon on the fourth Monday~~
19 ~~preceding the general election for that office.~~

20 ~~(d) The fee for filing an affidavit of write in candidacy shall be the~~
21 ~~same as the fee established in K.S.A. 25-206, and amendments thereto, for~~
22 ~~the same corresponding office.~~

23 Sec. 20. K.S.A. 25-308 is hereby amended to read as follows: 25-308.

24 (a) Any certificate of nomination, nomination petitions or declaration of
25 intention to become a candidate, filed or issued in apparent conformity
26 with law, shall be deemed to be valid unless:

27 (1) An objection ~~thereto~~ is made in writing within three days from the
28 date the certificate, petitions or declaration is filed with or issued by the
29 proper officers; or

30 (2) in the case of certificates of nomination, nomination petitions and
31 declarations of intention to become a candidate, the secretary of state or
32 the county election officer finds them to be invalid pursuant to K.S.A. 25-
33 208a, and amendments thereto.

34 (b) If the secretary of state or the county election officer finds any
35 certificates of nomination, nomination petitions or declaration of intention
36 to become a candidate to be invalid pursuant to K.S.A. 25-208a, and
37 amendments thereto, the candidate on whose behalf the certificates,
38 petitions or declaration was filed may make objection to such finding in
39 writing within three days of receipt by the candidate of notice of such
40 finding.

41 (c) In the case of nominations of national and state officers,
42 objections shall be filed with the secretary of state and shall be considered
43 by the lieutenant governor, secretary of state; and attorney general, *or such*

1 (b) In college districts in which the election at large method of
 2 election is in effect, if there are more than three times the number of
 3 candidates as there are trustees to be elected, the county election officer
 4 shall call, and there shall be held, a primary election. The names of twice
 5 the number of candidates as there are trustees to be elected who receive the
 6 greatest number of votes at the primary election shall appear on the ballots
 7 in the general election. If there are not more than three times the number of
 8 candidates as there are trustees to be elected, there shall not be a primary
 9 election and the names of the candidates shall be placed on the ballots in
 10 the general election.

11 (c) If a member is to be elected to fill an unexpired term, the office
 12 shall be listed separately on the ballots. If there are more than three
 13 candidates for such unexpired term, the county election officer shall call,
 14 and there shall be held, a primary election. The names of the two
 15 candidates for such unexpired term receiving the greatest number of votes
 16 shall appear on the ballots in the general election. If there are three or
 17 fewer qualified candidates for the unexpired term of any member position,
 18 there shall not be a primary election and the names of the candidates shall
 19 be placed on the ballots in the general election.

20 (d) On the ballots in general college district elections, blank lines for
 21 the names of write-in candidates shall be printed at the end of the list of
 22 candidates for each different office. The number of blank lines for each
 23 elected office shall be equal to the number of candidates to be elected
 24 thereto. The purpose of such blank lines shall be to permit the voter to
 25 insert the name of any person *who is a qualified elector residing in the*
 26 *district and whose name is not printed on the ballot but* for whom such
 27 voter desires to vote for such office. No lines for write-in candidates shall
 28 appear on primary college district election ballots.

29 ~~Sec. 66.~~ **68.** K.S.A. 10-120, 15-809, 19-303, 19-804, 19-3419, 19-
 30 3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-213, 25-222,
 31 25-303, ~~25-305~~, 25-305b, 25-308, 25-321, 25-432, 25-433, 25-604, 25-
 32 610, 25-901, **25-1115**, 25-1122, 25-1214, 25-1709, 25-1710, 25-1903, 25-
 33 2005, 25-2008, 25-2018, 25-2021, 25-21a02, 25-2310, **25-2502**, 25-2507,
 34 25-2601, 25-26a03, 25-2702, 25-2703, 25-2704, 25-2705, 25-2706, 25-
 35 2805, 25-2812, 25-2905, 25-3002, 25-3005, 25-3005a, 25-3104, 25-3107,
 36 25-3201, 25-3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-
 37 4148d, 25-4322, 25-4502, 25-4503, 25-4505, 25-4506, 25-4507, 25-4508,
 38 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424,
 39 25-3009 and 25-4414 are hereby repealed.

40 ~~Sec. 67.~~ **69.** This act shall take effect and be in force from and after
 41 its publication in the statute book.

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