

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **Senate Substitute for HB 2183**, on page 2, following line 25, by inserting:

"New Sec. 3. Notwithstanding any other provision of law, beginning with the general election in 2022, each county clerk shall be elected for a term of four years. The county clerk shall be a qualified elector of the county.

Sec. 4. K.S.A. 19-3419 is hereby amended to read as follows: 19-3419. (a) In counties of this state having a population exceeding 130,000, there shall be an office of commissioner of elections, ~~which and such office~~ shall be administered by an election commissioner. ~~The election commissioner shall be appointed by the secretary of state and shall hold office for a term of four years and until a successor is appointed and qualified. The secretary of state may remove the election commissioner for official misconduct. Upon occurrence of a vacancy in the office of county election commissioner, the secretary of state shall appoint a successor. If the vacancy occurs before the expiration of a term of office, the appointment shall be for the unexpired term. Such election commissioner shall have been a qualified elector and a resident of the county at least two years prior to appointment. Within 10 days after receiving official notice of the appointment and before entering upon the duties of the office, the election commissioner shall take, subscribe and cause to be filed in the office of the secretary of state an oath of office for the faithful discharge of official duties.~~

(b) Beginning with the general election in 2022, a county election commissioner shall be elected for a term of four years in each county in which the provisions of this section apply.

The county election commissioner shall be a qualified elector of the county.

(c) The county election commissioner shall, before entering upon the duties of the office, execute and file with the county treasurer a good and sufficient corporate surety bond, conditioned on the faithful performance of the duties of the office. The bond shall be issued by a company authorized to do business in Kansas, in an amount to be fixed by the county treasurer of not less than \$10,000.

(d) If a vacancy in the office of county election commissioner should occur by death, resignation, or otherwise, the vacancy shall be filled by appointment of a qualified elector of the county in the manner herein provided. If the vacancy occurs on or after May 1 of the second year of the term, the person so appointed shall serve for the remainder of the unexpired term and until a successor is elected and qualifies. If the vacancy occurs before May 1 of the second year of the term, the person appointed to fill the vacancy shall serve until a successor is elected and qualifies at the next general election to serve the remainder of the unexpired term. Appointments hereunder shall be made in the manner provided by law for filling vacancies in the office of member of the house of representatives.

Sec. 5. K.S.A. 2020 Supp. 25-101 is hereby amended to read as follows: 25-101. (a) On the Tuesday succeeding the first Monday in November of each even-numbered year, there shall be held a general election to elect officers as follows:

(1) At each alternate election, prior to the year in which the term of office of the president and vice-president of the United States will expire, there shall be elected the electors of president and vice-president of the United States to which the state may be entitled at the time of such election;

(2) at each such election, when the term of a United States senator for this state shall expire during the next year, there shall be elected a United States senator;

(3) at each such election there shall be elected the representatives in congress to which the state may be entitled at the time of such election;

(4) at each alternate election, prior to the year in which their regular terms of office will expire, there shall be elected a governor, lieutenant governor, secretary of state, attorney general, state treasurer and state commissioner of insurance;

(5) at each such election there shall be elected such members of the state board of education as provided by law;

(6) at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district judge expires during the next year, or a vacancy in a district judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district judge of such judicial district;

(7) at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district magistrate judge expires during the next year, or a vacancy in a district magistrate judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district magistrate judge of such judicial district;

(8) at each alternate election, prior to the year in which the regular term of office of state senators shall expire, there shall be elected a state senator in each state senatorial district;

(9) at each election there shall be elected a representative from each state representative district;

(10) at each alternate election there shall be elected, in each county, a county clerk, county election commissioner, county treasurer, county register of deeds, county ~~or~~ attorney, district attorney, county sheriff and such other officers as provided by law; and

(11) at each election, when the term of county commissioner in any district in any county shall expire during the next year, there shall be elected from such district a county

commissioner.

(b) This section shall apply to the filling of vacancies only so far as is consistent with the provisions of law relating thereto.

Sec. 6. K.S.A. 2020 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, county election commissioner, county treasurer, county register of deeds, county attorney, county sheriff, township trustee, township treasurer, and township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

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

(c) Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may be printed on the same ballot as such candidate and also as a

candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on the ballot or on the official primary election ballot for county and township offices except for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on the county and township ballot except for precinct committeeman or committeewoman.

(d) No person shall be elected to the office of precinct committeeman or precinct committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes. As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than 5% of the 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.

(f) A person who won the primary election as a result of the person's name being written in on the primary ballot shall have such person's name printed on the official general election ballot for national, state, county, township or municipal office, unless the person notifies, in writing, the secretary of state for national or state office or the county election office

for all other offices within 10 days following the canvass of the primary election that the person does not want such person's name on the official general election ballot.

Sec. 7. K.S.A. 2020 Supp. 25-611 is hereby amended to read as follows: 25-611. (a) The arrangement of offices on the official general ballot for national and state offices for those offices to be elected shall be in the following order: Names of candidates for the offices of president and vice-president, United States senator, United States representative \_\_\_\_\_ district, governor and lieutenant governor running together, 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.

(b) The arrangement of offices on the official general ballot for county township offices for those offices to be elected shall be in the following order: Names of candidates for county commissioner \_\_\_\_\_ district, county clerk, ~~county election commissioner~~, county treasurer, ~~county~~ register of deeds, county attorney, ~~district attorney~~, sheriff, township trustee, township treasurer and township clerk.

(c) The secretary of state by rules and regulations ~~adopted on or before July 1, 2016,~~ shall develop the order of arrangement of municipal offices on the general election ballot in odd-numbered year elections.

Sec. 8. K.S.A. 2020 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

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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.

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FOR COUNTY COMMISSIONER

\_\_\_\_\_ DISTRICT

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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FOR COUNTY CLERK

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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FOR COUNTY ELECTION COMMISSIONER

(Johnson, Sedgwick, Shawnee and Wyandotte counties)

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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FOR COUNTY TREASURER

Vote for One

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Continue in like manner for all county and township offices to be elected.

(b) The official general election ballot style for municipalities shall be established by the secretary of state by rules and regulations ~~adopted on or before July 1, 2016.~~;

On page 6, in line 35, after the first "K.S.A." by inserting "19-3419 and"; also in line 35, after "Supp." by inserting "25-101, 25-213, 25-611, 25-618,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the first semicolon by inserting "requiring all county clerks and election commissioners to be elected;"; in line 11, after "amending" by inserting "K.S.A. 19-3419 and"; also in line 11, after "Supp." by inserting "25-101, 25-213, 25-611, 25-618,"

Senator \_\_\_\_\_