

House Substitute for Substitute SENATE BILL No. 127

By Committee on Elections

3-17

1 AN ACT concerning elections; amending K.S.A. 25-2102 and 25-4153
2 and K.S.A. 2010 Supp. 25-2021, 25-2108a, 25-4148 and 71-1415 and
3 repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 25-2021 is hereby amended to
7 read as follows: 25-2021. (a) ~~A primary election shall be held if needed~~
8 ~~to reduce the number of candidates for each office in the general election~~
9 ~~to no more than three candidates. No primary election of school district~~
10 ~~board members shall be held unless by holding such primary two or more~~
11 ~~persons will be eliminated as candidates for office. In the event there are~~
12 ~~not more than three times the number of candidates as there are board~~
13 ~~members to be elected, the names of the candidates for such office shall~~
14 ~~not appear on the primary election ballots, and there shall be no primary~~
15 ~~election for such office, but the names of such candidates shall be placed~~
16 ~~on the general school board election ballot.~~

17 *In school districts in which a member district method of election is in*
18 *effect, if there are more than three qualified candidates for any member*
19 *position in any member district, the county election officer shall call, and*
20 *there shall be held, a primary election in each such member district. The*
21 *names of the two candidates receiving the greatest number of votes for any*
22 *member position at the primary election shall appear on the ballots in the*
23 *general election. If there are three or fewer qualified candidates for any*
24 *member position, there shall not be a primary election and the names of*
25 *the candidates shall be placed on the ballots in the general election.*

26 (b) *In school districts in which the election at large method of election*
27 *is in effect, if there are more than three times the number of candidates as*
28 *there are board members to be elected, the county election officer shall*
29 *call, and there shall be held, a primary election. The names of twice the*
30 *number of candidates as there are board members to be elected who*
31 *received the greatest number of votes at the primary election shall appear*
32 *on the ballots in the general election. If there are not more than three*
33 *times the number of candidates as there are board members to be elected,*
34 *there shall not be a primary election and the names of the candidates shall*
35 *be placed on the ballots in the general election.*

36 (c) *If a member is to be elected to fill an unexpired term, the office*

1 shall be listed separately on the ballots. If there are more than three
2 candidates for such unexpired term, the county election officer shall call,
3 and there shall be held, a primary election. The names of the two
4 candidates for such unexpired term receiving the greatest number of votes
5 shall appear on the ballots in the general election. If there are three or
6 fewer qualified candidates for the unexpired term of any member position,
7 there shall not be a primary election and the names of the candidates shall
8 be placed on the ballots in the general election.

9 ~~(b)~~ (d) On the ballots in general school elections, blank lines for the
10 ~~name~~ names of write-in candidates shall be printed at the end of the list of
11 candidates for each different office. The number of blank lines for such
12 elected office shall be equal to the number to be elected thereto. The
13 purpose of such blank lines shall be to permit the voter to insert the name
14 of any person not printed on the ballot for whom such voter desires to vote
15 for such office. No lines for write-in candidates shall appear on primary
16 school election ballots.

17 Sec. 2. K.S.A. 25-2102 is hereby amended to read as follows: 25-
18 2102. (a) "General election" means the election held on the Tuesday
19 succeeding the first Monday in November of even-numbered years, the
20 elections held for officers on the first Tuesday in April, and in the case of
21 special elections of any officers to fill vacancies, the election at which any
22 such officer is finally elected.

23 (b) "Primary election" means the election held on the first Tuesday in
24 August of even-numbered years, the election held five weeks preceding
25 the election on the first Tuesday in April, and any other preliminary
26 election at which part of the candidates for special election to any national,
27 state, county, city or school office are eliminated by the process of the
28 election but at which no officer is finally elected.

29 (c) "District method" means the election of city officers where the city
30 is divided into member districts or wards.

31 (d) "Election at large method" means the election of city officers
32 without member districts or wards.

33 Sec. 3. K.S.A. 25-4153 is hereby amended to read as follows: 25-
34 4153. (a) The aggregate amount contributed to a candidate and such
35 candidate's candidate committee and to all party committees and political
36 committees and dedicated to such candidate's campaign, by any political
37 committee or any person except a party committee, the candidate or the
38 candidate's spouse, shall not exceed the following:

39 (1) For the pair of offices of governor and lieutenant governor or for
40 other state officers elected from the state as a whole, \$2,000 for each
41 primary election (or in lieu thereof a caucus or convention of a political
42 party) and an equal amount for each general election;

43 (2) For the office of member of the house of representatives, district

1 judge, district magistrate judge, district attorney, ~~member of the state board~~
2 ~~of education~~ or a candidate for local office, \$500 for each primary election
3 (or in lieu thereof a caucus or convention of a political party) and an equal
4 amount for each general election.

5 (3) For the office of state senator *or member of the state board of*
6 *education*, \$1,000 for each primary election (or in lieu thereof a caucus or
7 convention of a political party) and an equal amount for each general
8 election.

9 (b) For the purposes of this section, the face value of a loan at the end
10 of the period of time allocable to the primary or general election is the
11 amount subject to the limitations of this section. A loan in excess of the
12 limits herein provided may be made during the allocable period if such
13 loan is reduced to the permissible level, when combined with all other
14 contributions from the person making such loan, at the end of such
15 allocable period.

16 (c) For the purposes of this section, all contributions made by
17 unemancipated children under 18 years of age shall be considered to be
18 contributions made by the parent or parents of such children. The total
19 amount of such contribution shall be attributed to a single custodial parent
20 and 50% of such contribution to each of two parents.

21 (d) The aggregate amount contributed to a state party committee by a
22 person other than a national party committee or a political committee shall
23 not exceed \$15,000 in each calendar year; and the aggregate amount
24 contributed to any other party committee by a person other than a national
25 party committee or a political committee shall not exceed \$5,000 in each
26 calendar year.

27 The aggregate amount contributed by a national party committee to a
28 state party committee shall not exceed \$25,000 in any calendar year, and
29 the aggregate amount contributed to any other party committee by a
30 national party committee shall not exceed \$10,000 in any calendar year.

31 The aggregate amount contributed to a party committee by a political
32 committee shall not exceed \$5,000 in any calendar year.

33 (e) Any political funds which have been collected and were not
34 subject to the reporting requirements of this act shall be deemed a person
35 subject to these contribution limitations.

36 (f) Any political funds which have been collected and were subject
37 to the reporting requirements of the campaign finance act shall not be used
38 in or for the campaign of a candidate for a federal elective office.

39 (g) The amount contributed by each individual party committee of the
40 same political party other than a national party committee to any candidate
41 for office, for any primary election at which two or more candidates are
42 seeking the nomination of such party shall not exceed the following:

43 (1) For the pair of offices of governor and lieutenant governor and for

1 each of the other state officers elected from the state as a whole, \$2,000 for
2 each primary election (or in lieu thereof a caucus or convention of a
3 political party);

4 (2) For the office of member of the house of representatives, district
5 judge, district magistrate judge, district attorney, ~~member of the state board~~
6 ~~of education~~ or a candidate for local office, \$500 for each primary election
7 (or in lieu thereof a caucus or convention of a political party).

8 (3) For the office of state senator *or member of the state board of*
9 *education*, \$1,000 for each primary election (or in lieu thereof a caucus or
10 convention of a political party).

11 (h) When a candidate for a specific cycle does not run for office, the
12 contribution limitations of this section shall apply as though the individual
13 had sought office.

14 (i) No person shall make any contribution or contributions to any
15 candidate or the candidate committee of any candidate in the form of
16 money or currency of the United States which in the aggregate exceeds
17 \$100 for any one primary or general election, and no candidate or
18 candidate committee of any candidate shall accept any contribution or
19 contributions in the form of money or currency of the United States which
20 in the aggregate exceeds \$100 from any one person for any one primary or
21 general election.

22 Sec. 4. K.S.A. 2010 Supp. 25-2108a is hereby amended to read as
23 follows: 25-2108a. (a) There shall be a primary election of city officers on
24 the Tuesday preceding by five weeks the first Tuesday in April of every
25 year that such city has a city election, except as otherwise provided in
26 subsection (b) *or subsection (c)* of this section.

27 ~~(b) A primary election shall be held if needed to reduce the number of~~
28 ~~candidates for each office in the general election to no more than three~~
29 ~~candidates. No primary election of city officers shall be held unless by~~
30 ~~holding such primary two or more persons will be eliminated as candidates~~
31 ~~for office. In the event there are not more than three times the number of~~
32 ~~candidates as there are officers to be elected, the names of the candidates~~
33 ~~for such office shall not appear on the primary election ballots, and there~~
34 ~~shall be no primary election for such office, but the names of such~~
35 ~~candidates shall be placed on the general city election ballot.~~

36 (b) *In cities in which a district method of election is in effect, if there*
37 *are more than three qualified candidates for any member district, the*
38 *county election officer shall call, and there shall be held, a primary*
39 *election in each such member district. The names of the two candidates*
40 *receiving the greatest number of votes for any such member district at the*
41 *primary election shall appear on the ballots in the general election. If*
42 *there are three or fewer qualified candidates for any member district,*
43 *there shall not be a primary election and the names of the candidates shall*

1 *be placed on the ballots in the general election.*

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

12 *(d) On the ballots in general city elections, blank lines for the names of*
13 *write-in candidates shall be printed at the end of the list of candidates for*
14 *each different office. The number of blank lines for each elected office*
15 *shall be equal to the number of candidates to be elected thereto. The*
16 *purpose of such blank lines shall be to permit the voter to insert the name*
17 *of any person not printed on the ballot for whom such voter desires to vote*
18 *for such office. No lines for write-in candidates shall appear on primary*
19 *city election ballots.*

20 Sec. 5. K.S.A. 2010 Supp. 25-4148 is hereby amended to read as
21 follows: 25-4148. (a) Every treasurer shall file a report prescribed by this
22 section. Reports filed by treasurers for candidates for state office, other
23 than officers elected on a state-wide basis, shall be filed ~~in both~~ with the
24 office of the secretary of state ~~and in the office of the county election~~
25 ~~officer of the county in which the candidate is a resident.~~ Reports filed by
26 treasurers for candidates for state-wide office shall be filed electronically
27 and only with the secretary of state. Reports filed by treasurers for
28 candidates for local office shall be filed *electronically* in the office of the
29 county election officer of the county in which the name of the candidate is
30 on the ballot. Except as otherwise provided by subsection (h), all such
31 reports shall be filed in time to be received in the offices required on or
32 before each of the following days:

33 (1) The eighth day preceding the primary election, which report shall
34 be for the period beginning on January 1 of the election year for the office
35 the candidate is seeking and ending 12 days before the primary election,
36 inclusive;

37 (2) the eighth day preceding a general election, which report shall be
38 for the period beginning 11 days before the primary election and ending 12
39 days before the general election, inclusive;

40 (3) January 10 of the year after an election year, which report shall be
41 for the period beginning 11 days before the general election and ending on
42 December 31, inclusive;

43 (4) for any calendar year when no election is held, a report shall be

1 filed on the next January 10 for the preceding calendar year;

2 (5) a treasurer shall file only the annual report required by subsection
3 (4) for those years when the candidate is not participating in a primary or
4 general election.

5 (b) Each report required by this section shall state:

6 (1) Cash on hand on the first day of the reporting period;

7 (2) the name and address of each person who has made one or more
8 contributions in an aggregate amount or value in excess of \$50 during the
9 election period together with the amount and date of such contributions,
10 including the name and address of every lender, guarantor and endorser
11 when a contribution is in the form of an advance or loan;

12 (3) the aggregate amount of all proceeds from bona fide sales of
13 political materials such as, but not limited to, political campaign pins,
14 buttons, badges, flags, emblems, hats, banners and literature;

15 (4) the aggregate amount of contributions for which the name and
16 address of the contributor is not known;

17 (5) each contribution, rebate, refund or other receipt not otherwise
18 listed;

19 (6) the total of all receipts;

20 (7) the name and address of each person to whom expenditures have
21 been made in an aggregate amount or value in excess of \$50, with the
22 amount, date; and purpose of each; the names and addresses of all persons
23 to whom any loan or advance has been made; when an expenditure is
24 made by payment to an advertising agency, public relations firm or
25 political consultants for disbursement to vendors, the report of such
26 expenditure shall show in detail the name of each such vendor and the
27 amount, date and purpose of the payments to each;

28 (8) the name and address of each person from whom an in-kind
29 contribution was received or who has paid for personal services provided
30 without charge to or for any candidate, candidate committee, party
31 committee or political committee, if the contribution is in excess of \$100
32 and is not otherwise reported under subsection (b)(7), and the amount, date
33 and purpose of the contribution;

34 (9) the aggregate of all expenditures not otherwise reported under this
35 section; and

36 (10) the total of expenditures.

37 (c) In addition to the requirements of subsection (b), every treasurer
38 for any political committee and party committee shall report the following:

39 (1) (A) The name and address of each candidate for state or local
40 office for whom an expenditure in the form of an in-kind contribution has
41 been made in an aggregate amount or having a fair market value in excess
42 of \$300, with the amount, date and purpose of each. The report shall show
43 in detail the specific service or product provided; and

1 (B) the name and address of each candidate for state or local office
2 who is the subject of an expenditure which:

3 (i) Is made without the cooperation or consent of a candidate or
4 candidate committee;

5 (ii) expressly advocates the nomination, election or defeat of such
6 candidate; and

7 (iii) is an aggregate amount or having a fair market value in excess of
8 \$300.

9 (2) The report shall state the amount, date and purpose of the
10 expenditure in the form of an in-kind contribution. The report shall show
11 in detail the specific service or product provided. The reporting
12 requirements imposed by this subsection shall be in addition to all other
13 requirements required by this section.

14 (d) Treasurers of candidates and of candidate committees shall
15 itemize the purchase of tickets or admissions to testimonial events by a
16 person who purchases such tickets or admissions in an aggregate amount
17 or value in excess of \$50 per event, or who purchases such a ticket or
18 admission at a cost exceeding \$25 per ticket or admission. All other
19 purchases of tickets or admissions to testimonial events shall be reported
20 in an aggregate amount and shall not be subject to the limitations specified
21 in K.S.A. 25-4154, and amendments thereto.

22 (e) If a contribution or other receipt from a political committee is
23 required to be reported under subsection (b), the report shall include the
24 full name of the organization with which the political committee is
25 connected or affiliated or; a description of the connection to or affiliation
26 with such organization. If, the committee is not connected or affiliated
27 with any one organization, the report shall state the trade, profession or
28 primary interest of the political committee as reflected by the statement of
29 purpose of such organization.

30 (f) The commission may require any treasurer to file an amended
31 report for any period for which the original report filed by such treasurer
32 contains material errors or omissions. The notice of the errors or omissions
33 shall be part of the public record. The amended report shall be filed within
34 30 days after notice by the commission.

35 (g) The commission may require any treasurer to file a report for any
36 period for which the required report is not on file. The notice of the failure
37 to file shall be part of the public record. Such report shall be filed within
38 five days after notice by the commission.

39 (h) For the purpose of any report required to be filed pursuant to
40 subsection (a) by the treasurer of any candidate seeking nomination by
41 convention or caucus or by the treasurer of the candidate's committee or by
42 the treasurer of any party committee or political committee, the date of the
43 convention or caucus shall be considered the date of the primary election.

1 (i) If a report is sent by certified or registered mail on or before the
2 day it is due, the mailing shall constitute receipt by that office.

3 (j) Any report required by this section may be signed by the candidate
4 in lieu of the candidate's treasurer or the treasurer of the candidate's
5 committee.

6 Sec. 6. K.S.A. 2010 Supp. 71-1415 is hereby amended to read as
7 follows: 71-1415. (a) ~~A primary election shall be held if needed to reduce~~
8 ~~the number of candidates for each office in the general election to no more~~
9 ~~than three candidates. No primary election of trustees shall be held unless~~
10 ~~by holding such primary two or more persons will be eliminated as~~
11 ~~candidates for office. In the event there are not more than three times the~~
12 ~~number of candidates as there are trustees to be elected, the names of the~~
13 ~~candidates for such office shall not appear on the primary election ballots,~~
14 ~~and there shall be no primary election for such office, but the names of~~
15 ~~such candidates shall be placed on the general election ballot for the board~~
16 ~~of trustees.~~

17 ~~(b) In the general election, there shall appear on the ballots a line~~
18 ~~appropriate for write-in candidates. No lines for write-in candidates shall~~
19 ~~appear on the primary election ballots.~~

20 *In college districts in which a district method of election is in effect, if*
21 *there are more than three qualified candidates for any member position,*
22 *the county election officer shall call, and there shall be held, a primary*
23 *election in each such member district. The names of the two candidates*
24 *receiving the greatest number of votes for any member position at the*
25 *primary election shall appear on the ballots in the general election. If*
26 *there are three or fewer qualified candidates for any member position,*
27 *there shall not be a primary election and the names of the candidates shall*
28 *be placed on the ballots in the general election.*

29 *(b) In college districts in which the election at large method of election*
30 *is in effect, if there are more than three times the number of candidates as*
31 *there are trustees to be elected, the county election officer shall call, and*
32 *there shall be held, a primary election. The names of twice the number of*
33 *candidates as there are trustees to be elected who receive the greatest*
34 *number of votes at the primary election shall appear on the ballots in the*
35 *general election. If there are not more than three times the number of*
36 *candidates as there are trustees to be elected, there shall not be a primary*
37 *election and the names of the candidates shall be placed on the ballots in*
38 *the general election.*

39 *(c) If a member is to be elected to fill an unexpired term, the office*
40 *shall be listed separately on the ballots. If there are more than three*
41 *candidates for such unexpired term, the county election officer shall call,*
42 *and there shall be held, a primary election. The names of the two*
43 *candidates for such unexpired term receiving the greatest number of votes*

1 *shall appear on the ballots in the general election. If there are three or*
2 *fewer qualified candidates for the unexpired term of any member position,*
3 *there shall not be a primary election and the names of the candidates shall*
4 *be placed on the ballots in the general election.*

5 *(d) On the ballots in general college district elections, blank lines for*
6 *the names of write-in candidates shall be printed at the end of the list of*
7 *candidates for each different office. The number of blank lines for each*
8 *elected office shall be equal to the number of candidates to be elected*
9 *thereto. The purpose of such blank lines shall be to permit the voter to*
10 *insert the name of any person not printed on the ballot for whom such*
11 *voter desires to vote for such office. No lines for write-in candidates shall*
12 *appear on primary college district election ballots.*

13 Sec. 7. K.S.A. 25-2102 and 25-4153 and K.S.A. 2010 Supp. 25-
14 2021, 25-2108a, 25-4148 and 71-1415 are hereby repealed.

15 Sec. 8. This act shall take effect and be in force from and after its
16 publication in the statute book.