

SENATE BILL No. 62

By Committee on Elections and Local Government

1-18

AN ACT relating to public officers; enacting the constitutional awareness act; concerning the oath taken by certain officers elected or appointed under the laws of the state of Kansas; requiring the taking of examinations regarding such oath and providing for the administration of the provisions of the act; amending K.S.A. 54-106 and repealing the existing section.

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

New Section 1. This act shall be known and may be cited as the constitutional awareness act.

Sec. 2. K.S.A. 54-106 is hereby amended to read as follows: 54-106.

(a) All officers elected or appointed under any law of the state of Kansas shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation, as follows:

"I do solemnly swear [or affirm, as the case may be] that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of _____. So help me God."

(b) *On and after July 1, 2001, each person seeking appointment or election to any state office requiring the taking of such oath shall take a written examination designed to determine such person's general knowledge of the provisions of both the constitution of the United States and the constitution of the state of Kansas, in the manner prescribed by this act. As used in this subsection, "state office" means the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, state senator, state representative, member of the state board of education and any appointive office for which the appointment is subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto.*

New Sec. 3. (a) The state board of regents shall appoint a committee of three members who shall design and prepare both the examination and the handbook for persons taking such examination as required by this act. Persons appointed to membership on the committee shall be members of the faculty of state educational institutions under the control and supervision of the state board of regents, having recognized knowledge and experience involving the study and application of the constitutions of

1 the United States and the state of Kansas. Members of the committee
2 shall serve at the pleasure of the state board of regents and shall organize
3 and meet at such times as may be determined by members of the com-
4 mittee to be necessary to perform the duties imposed by this act. The
5 state board of regents shall provide such staff assistance as may be re-
6 quired by the committee in the performance of its duties.

7 (b) The committee shall prepare a written examination which will
8 determine the general knowledge of persons taking such examination
9 concerning the structure and provisions of the constitutions of the United
10 States and the state of Kansas. Examination questions shall not require
11 in-depth, technical or legal knowledge or understanding of the provisions
12 of such constitutions and shall not ask for an opinion on or an interpre-
13 tation of the provisions of such constitutions.

14 (c) In addition to the examination such committee shall prepare a
15 handbook containing information which will enable persons taking such
16 examination to successfully pass the examination. Such information shall
17 include the complete text of both the constitution of the United States
18 and the constitution of the state of Kansas, a brief nontechnical descrip-
19 tion of the structure and provisions of such constitutions and any addi-
20 tional materials which the committee may determine to be of assistance
21 in developing an understanding of such constitutions.

22 (d) Upon completion of the examination and handbook the commit-
23 tee shall file a copy of each with the secretary of state who shall provide
24 for the printing and distribution of the examination and handbook in the
25 manner provided in this act.

26 New Sec. 4. (a) Any person seeking election to a state office shall
27 take such written examination, and the results thereof shall be filed not
28 less than two weeks prior to any election at which such person is a can-
29 didate. A person seeking appointment to a state office shall take such
30 written examination and the results thereof shall be filed at any time prior
31 to taking the oath of office. Results of examinations taken by persons
32 seeking election to state offices elected on a statewide basis shall be filed
33 in the office of the secretary of state. Results of examinations taken by
34 persons seeking election to state offices, other than state offices elected
35 on a statewide basis, shall be filed in both the office of the secretary of
36 state and in the office of the county election officer of the county in which
37 the person is a resident. Results of examinations taken by persons seeking
38 appointment to any state office shall be filed in the state personnel files
39 of such officer. Results of examinations taken by all officers, elected or
40 appointed, in accordance with this act shall be open public records and
41 be open to inspection as such.

42 (b) Written examinations for each person seeking election or appoint-
43 ment to a state office shall be conducted under the supervision of the

1 office of the secretary of state or under the supervision of another officer
2 of the state or a county election officer, when authorized by the secretary
3 of state for the convenience of the person seeking to take the examination.
4 The office of the secretary of state shall be responsible for the determi-
5 nation of the results of examinations taken by persons seeking election or
6 appointment to state offices, and for the filing thereof in accordance with
7 this act. The secretary of state shall provide copies of the handbook to all
8 persons required to take examinations under the provisions of this act and
9 shall provide copies of both the written examination and the handbook
10 to all county election officers and other officers responsible for the su-
11 pervision of the conduct of such examinations.

12 (c) Examinations conducted under provisions of this act shall be
13 open-book tests and the handbook may be utilized by persons in deter-
14 mining answers in the process of taking such examinations. The percent-
15 age of correct or incorrect answers by any person on such an examination
16 shall not affect the qualification of such person to seek and hold any office.
17 Any person may repeat the taking of such examination and if a larger
18 number of correct answers are achieved, such higher score shall be placed
19 in the records of the person taking the examination and shall replace the
20 previous results.

21 (d) As used in this section, "state office" has the meaning ascribed
22 thereto by subsection (b) of K.S.A. 54-106 and amendments thereto.

23 Sec. 5. K.S.A. 54-106 is hereby repealed.

24 Sec. 6. This act shall take effect and be in force from and after its
25 publication in the statute book.

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