

HOUSE BILL No. 2146

By Representatives Loyd, Huntington, Jack, Light, Neighbor, O'Malley,
O'Neal, Owens, Patterson, Reitz, S. Sharp, Yoder and Yonally

1-31

AN ACT concerning elections; relating to the date when certain primary elections are held; amending K.S.A. 12-1254, 12-2536, 19-4470, 25-203, 25-1115, 25-2102, 25-2502 and 25-3901 and K.S.A. 2002 Supp. 19-4427, 25-205, 25-302a, 25-1122, 25-3801 and 25-4005 and repealing the existing sections.

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

Section 1. K.S.A. 12-1254 is hereby amended to read as follows: 12-1254. In all cities having a population by the official state census of more than ~~one hundred twenty thousand (120,000)~~ 120,000 and less than ~~one hundred fifty thousand (150,000)~~ 150,000 in which a free public library has heretofore been established as provided by law, the board of directors of such free public library is hereby authorized and empowered to submit the question of making an annual tax levy of not to exceed one (~~1~~) mill for a period not to exceed five (~~5~~) years upon the taxable tangible property within such city for the purpose of creating a building fund to be used for the construction, reconstruction, additions to, furnishing and equipping of the building housing such free public library and of a building to house motor vehicles of such free public library and the architectural expense incidental thereto, to the electors of such city at an election called and held in the manner provided for the calling and holding of elections under the provisions of the general bond law, at the time fixed for the holding of the primary election in ~~August~~ September. The amount of such levy and the period for which it will be made shall be stated in the notice and upon the ballot of such election. No tax levy shall be made under the provisions of this act without the question of the making of such levy having been submitted to and having received the approval of a majority of the electors of such city voting thereon at an election called and held for such purpose. All moneys derived from the tax levy authorized by this act shall be placed in a building fund to be used only for the purposes for which the tax levy was made. All tax levies authorized by this act shall be in addition to all other tax levies authorized by law and shall not be subject to any of the limitations prescribed by law, including K.S.A. 12-1215 and 12-1217 and ~~any acts amendatory thereof or supplemental~~

1 *amendments* thereto.

2 Sec. 2. K.S.A. 12-2536 is hereby amended to read as follows: 12-
3 2536. The Kansas and Missouri metropolitan culture district compact is
4 hereby enacted into law and entered into by the state of Kansas with the
5 state of Missouri legally joining therein, in the form substantially as
6 follows:

7 Kansas and Missouri Metropolitan Culture District Compact

8 Article I.—Agreement and Pledge

9 The states of Kansas and Missouri agree to and pledge, each to the
10 other, faithful cooperation in the future planning and development of the
11 metropolitan culture district, holding in high trust for the benefit of its
12 people and of the nation, the special blessings and natural advantages
13 thereof.

14 Article II.—Policy and Purpose

15 The party states, desiring by common action to fully utilize and improve
16 their cultural facilities, coordinate the services of their cultural organi-
17 zations, enhance the cultural activities of their citizens, and achieve solid
18 financial support for such cultural facilities, organizations and activities,
19 declare that it is the policy of each state to realize such desires on a basis
20 of cooperation with one another, thereby serving the best interests of
21 their citizenry and effecting economies in capital expenditures and op-
22 erational costs. The purpose of this compact is to provide for the creation
23 of a metropolitan culture district as the means to implementation of the
24 policy herein declared with the most beneficial and economical use of
25 human and material resources.

26 Article III.—Definitions

27 As used in this compact, unless the context clearly requires otherwise:

28 (a) “Metropolitan culture district” means a political subdivision of the
29 states of Kansas and Missouri which is created under and pursuant to the
30 provisions of this compact and which is composed of the counties in the
31 states of Kansas and Missouri which act to create or to become a part of
32 the district in accordance with the provisions of Article IV.

33 (b) “Commission” means the governing body of the metropolitan cul-
34 ture district.

35 (c) “Cultural activities” means sports or activities which contribute to
36 or enhance the aesthetic, artistic, historical, intellectual or social devel-
37 opment or appreciation of members of the general public.

38 (d) “Cultural organizations” means nonprofit and tax exempt social,
39 civic or community organizations and associations which are dedicated to
40 the development, provision, operation, supervision, promotion or support
41 of cultural activities in which members of the general public may engage
42 or participate.

43 (e) “Cultural facilities” means facilities operated or used for sports or

1 participation or engagement in cultural activities by members of the gen-
2 eral public.

3 Article IV.—The District

4 (a) The counties in Kansas and Missouri eligible to create and initially
5 compose the metropolitan culture district shall be those counties which
6 meet one or more of the following criteria: (1) The county has a popu-
7 lation in excess of 300,000, and is adjacent to the state line; (2) the county
8 contains a part of a city with a population according to the most recent
9 federal census of at least 400,000; or (3) the county is contiguous to any
10 county described in provisions (1) or (2) of this subpart (a). The counties
11 of Johnson in Kansas and Jackson in Missouri shall be *sine qua non* to
12 the creation and initial composition of the district. Additional counties in
13 Kansas and Missouri shall be eligible to become a part of the metropolitan
14 culture district if such counties are contiguous to any one or more of the
15 counties which compose the district and within 60 miles of the counties
16 required by this article to establish the district.

17 (b) (1) Whenever the governing body of any county which is eligible
18 to create or become a part of the metropolitan culture district shall de-
19 termine that creation of or participation in the district is in the best in-
20 terests of the citizens of the county and that the levy of a tax to provide
21 on a cooperative basis with another county or other counties for financial
22 support of the district would be economically practical and cost beneficial
23 to the citizens of the county, the governing body may adopt by majority
24 vote a resolution authorizing the same.

25 (2) Whenever a petition, signed by not less than the number of qual-
26 ified electors of an eligible county equal to 5% of the number of ballots
27 cast and counted at the last preceding gubernatorial election held in the
28 county and requesting adoption of a resolution authorizing creation of or
29 participation in the metropolitan culture district and the levy of a tax for
30 the purpose of contributing to the financial support of the district, is filed
31 with the governing body of the county, the governing body shall adopt
32 such a resolution.

33 (3) Implementation of a resolution adopted under this subpart (b)
34 shall be conditioned upon approval of the resolution by a majority of the
35 qualified electors of the county voting at an election conducted for such
36 purpose.

37 (c) (1) Upon adoption of a resolution pursuant to subpart (b)(1) or
38 subpart (b)(2), the governing body of the county shall request, within 36
39 months after adoption of the resolution, the county election officer to
40 submit to the qualified electors of the county the question of whether
41 the governing body shall be authorized to implement the resolution. The
42 resolution shall be printed on the ballot and in the notice of election. The
43 question shall be submitted to the electors of the county at the primary

1 or general election next following the date of the request filed with the
 2 county election officer. If a majority of the qualified electors are opposed
 3 to implementation of the resolution authorizing creation of or participa-
 4 tion in the district and the levy of a tax for financial support thereof, the
 5 same shall not be implemented. The governing body of the county may
 6 renew procedures for authorization to create or become a part of the
 7 district and to levy a tax for financial support thereof at any time following
 8 rejection of the question.

9 (2) The ballot for the proposition in any county shall be substantially
 10 the following form:

11 "Shall a retail sales tax of _____ Yes
 12 (insert amount, not to exceed ¼ cent)
 13 be levied and collected in Kansas and Missouri metropolitan cultural dis- No
 14 trict consisting of the county(ies) of _____ for the
 15 (insert name of counties)
 16 support of cultural facilities and organizations within the district?"

17 The governing body of the county may place additional language on
 18 the ballot to describe the use or allocation of the funds.

19 (d) (1) The metropolitan culture district shall be created when im-
 20 plementation of a resolution authorizing the creation of the district and
 21 the levy of a tax for contribution to the financial support thereof is ap-
 22 proved by respective majorities of the qualified electors of at least Johnson
 23 county, Kansas, and Jackson county, Missouri.

24 (2) When implementation of a resolution authorizing participation in
 25 the metropolitan culture district and the levy of a tax for contribution to
 26 the financial support thereof is approved by a majority of the qualified
 27 electors of any county eligible to become a part of the district, the gov-
 28 erning body of the county shall proceed with the performance of all things
 29 necessary and incidental to participation in the district.

30 (3) Any question for the levy of a tax submitted after July 1, 2000,
 31 may be submitted to the electors of the county at the primary or general
 32 election next following the date of the request filed with the county elec-
 33 tion officer; at a special election called and held as otherwise provided by
 34 law; at an election called and held on the first Tuesday after the first
 35 Monday in February, except in presidential election years; at an election
 36 called and held on the first Tuesday after the first Monday in March,
 37 June, ~~August~~ or November *or the third Tuesday in September*; or at an
 38 election called and held on the first Tuesday in April, except that no
 39 question for a tax levy may be submitted to the electors prior to January
 40 1, 2002.

41 (4) No question shall be submitted to the electors authorizing the
 42 levy of a tax the proceeds of which will be exclusively dedicated to sports
 43 or sports facilities.

1 (e) Any of the counties composing the metropolitan culture district
2 may withdraw from the district by adoption of a resolution and approval
3 of the resolution by a majority of the qualified electors of the county, all
4 in the same manner provided in this Article IV for creating or becoming
5 a part of the metropolitan culture district. The governing body of a with-
6 drawing county shall provide for the sending of formal written notice of
7 withdrawal from the district to the governing body of the other county
8 or each of the other counties comprising the district. Actual withdrawal
9 shall not take effect until 90 days after notice has been sent. A withdraw-
10 ing county shall not be relieved from any obligation which such county
11 may have assumed or incurred by reason of being a part of the district,
12 including, but not limited to, the retirement of any outstanding bonded
13 indebtedness of the district.

14 Article V.—The Commission

15 (a) The metropolitan culture district shall be governed by the met-
16 ropolitan culture commission which shall be a body corporate and politic
17 and which shall be composed of resident electors of the states of Kansas
18 and Missouri, respectively, as follows: (1) A member of the governing
19 body of each county which is a part of the district, who shall be appointed
20 by majority vote of such governing body; (2) a member of the governing
21 body of each city, with a population according to the most recent federal
22 census of at least 50,000, located in whole or in part within each county
23 which is a part of the district, who shall be appointed by majority vote of
24 such governing body; (3) two members of the governing body of a county
25 with a consolidated or unified county government and city of the first
26 class which is a part of the district, who shall be appointed by majority
27 vote of such governing body; (4) a member of the arts commission of
28 Kansas or the Kansas commission for the humanities, who shall be ap-
29 pointed by the governor of Kansas; and (5) a member of the arts com-
30 mission of Missouri or the Missouri humanities council, who shall be
31 appointed by the governor of Missouri. To the extent possible, the gu-
32 bernatorial appointees to the commission shall be residents of the district.
33 The term of each commissioner initially appointed by a county governing
34 body shall expire concurrently with such commissioner's tenure as a
35 county officer or three years after the date of appointment as a commis-
36 sioner, whichever occurs sooner. The term of each commissioner suc-
37 ceeding a commissioner initially appointed by a county governing body
38 shall expire concurrently with such successor commissioner's tenure as a
39 county officer or four years after the date of appointment as a commis-
40 sioner, whichever occurs sooner. The term of each commissioner initially
41 appointed by a city governing body shall expire concurrently with such
42 commissioner's tenure as a city officer or two years after the date of
43 appointment as a commissioner, whichever occurs sooner. The term of

1 each commissioner succeeding a commissioner initially appointed by a
2 city governing body shall expire concurrently with such successor com-
3 missioner's tenure as a city officer or four years after the date of appoint-
4 ment as a commissioner, whichever occurs sooner. The term of each
5 commissioner appointed by the governor of Kansas or the governor of
6 Missouri shall expire concurrently with the term of the appointing gov-
7 ernor, the commissioner's tenure as a state officer, or four years after the
8 date of appointment as a commissioner of the district, whichever occurs
9 sooner. Any vacancy occurring in a commissioner position for reasons
10 other than expiration of terms of office shall be filled for the unexpired
11 term by appointment in the same manner that the original appointment
12 was made. Any commissioner may be removed for cause by the appoint-
13 ing authority of the commissioner.

14 (b) The commission shall select annually, from its membership, a
15 chairperson, a vice-chairperson, and a treasurer. The treasurer shall be
16 bonded in such amounts as the commission may require.

17 (c) The commission may appoint such officers, agents and employees
18 as it may require for the performance of its duties, and shall determine
19 the qualifications and duties and fix the compensation of such officers,
20 agents and employees.

21 (d) The commission shall fix the time and place at which its meetings
22 shall be held. Meetings shall be held within the district and shall be open
23 to the public. Public notice shall be given of all meetings.

24 (e) A majority of the commissioners from each state shall constitute,
25 in the aggregate, a quorum for the transaction of business. No action of
26 the commission shall be binding unless taken at a meeting at which at
27 least a quorum is present, and unless a majority of the commissioners
28 from each state, present at such meeting, shall vote in favor thereof. No
29 action of the commission taken at a meeting thereof shall be binding
30 unless the subject of such action is included in a written agenda for such
31 meeting, the agenda and notice of meeting having been mailed to each
32 commissioner by postage paid first-class mail at least 14 calendar days
33 prior to the meeting.

34 (f) The commissioners from each state shall be subject to the provi-
35 sions of the laws of the states of Kansas and Missouri, respectively, which
36 relate to conflicts of interest of public officers and employees. If any
37 commissioner has a direct or indirect financial interest in any cultural
38 facility, organization or activity supported by the district or commission
39 or in any other business transaction of the district or commission, the
40 commissioner shall disclose such interest in writing to the other commis-
41 sioners and shall abstain from voting on any matter relating to such fa-
42 cility, organization or activity or to such business transaction.

43 (g) If any action at law or equity, or other legal proceeding, shall be

1 brought against any commissioner for any act or omission arising out of
2 the performance of duties as a commissioner, the commissioner shall be
3 indemnified in whole and held harmless by the commission for any judg-
4 ment or decree entered against the commissioner and, further, shall be
5 defended at the cost and expense of the commission in any such pro-
6 ceeding.

7 Article VI.—Powers and Duties of the Commission

8 (a) The commission shall adopt a seal and suitable bylaws governing
9 its management and procedure.

10 (b) The commission has the power to contract and to be contracted
11 with, and to sue and to be sued.

12 (c) The commission may receive for any of its purposes and functions
13 any contributions or moneys appropriated by counties or cities and may
14 solicit and receive any and all donations, and grants of money, equipment,
15 supplies, materials and services from any state or the United States or
16 any agency thereof, or from any institution, foundation, organization, per-
17 son, firm or corporation, and may utilize and dispose of the same.

18 (d) Upon receipt of recommendations from the advisory committee
19 provided in subsection (g), the commission may provide donations, con-
20 tributions and grants or other support, financial or otherwise, for or in
21 aid of cultural organizations, facilities or activities in counties which are
22 part of the district. In determining whether to provide any such support
23 the commission shall consider the following factors:

- 24 (1) Economic impact upon the district;
- 25 (2) cultural benefit to citizens of the district and to the general public;
- 26 (3) contribution to the quality of life and popular image of the district;
- 27 (4) contribution to the geographical balance of cultural facilities and
28 activities within and outside the district;
- 29 (5) the breadth of popular appeal within and outside the district;
- 30 (6) the needs of the community as identified in an objective cultural
31 needs assessment study of the metropolitan area; and
- 32 (7) any other factor deemed appropriate by the commission.

33 (e) The commission may own and acquire by gift, purchase, lease or
34 devise cultural facilities within the territory of the district. The commis-
35 sion may plan, construct, operate and maintain and contract for the op-
36 eration and maintenance of cultural facilities within the territory of the
37 district. The commission may sell, lease or otherwise dispose of cultural
38 facilities within the territory of the district.

39 (f) At any time following five years from and after the creation of the
40 metropolitan cultural district as provided in paragraph (1) of subsection
41 (d) of article IV, the commission, may borrow moneys for the planning,
42 construction, equipping, operation, maintenance, repair, extension, ex-
43 pansion, or improvement of any cultural facility and, in that regard, the

1 commission at such time may:

2 (1) Issue notes, bonds or other instruments in writing of the com-
3 mission in evidence of the sum or sums to be borrowed. No notes, bonds
4 or other instruments in writing shall be issued pursuant to this subsection
5 until the issuance of such notes, bonds or instruments has been submitted
6 to and approved by a majority of the qualified electors of the district
7 voting at an election called and held thereon. Such election shall be called
8 and held in the manner provided by the general bond law;

9 (2) issue refunding notes, bonds or other instruments in writing for
10 the purpose of refunding, extending or unifying the whole or any part of
11 its outstanding indebtedness from time to time, whether evidenced by
12 notes, bonds or other instruments in writing. Such refunding notes, bonds
13 or other instruments in writing shall not exceed in amount the principal
14 of the outstanding indebtedness to be refunded and the accrued interest
15 thereon to the date of such refunding;

16 (3) provide that all notes, bonds and other instruments in writing
17 issued hereunder shall or may be payable, both as to principal and inter-
18 est, from sales tax revenues authorized under this compact and disbursed
19 to the district by counties comprising the district, admissions and other
20 revenues collected from the use of any cultural facility or facilities con-
21 structed hereunder, or from any other resources of the commission, and
22 further may be secured by a mortgage or deed of trust upon any property
23 interest of the commission; and

24 (4) prescribe the details of all notes, bonds or other instruments in
25 writing, and of the issuance and sale thereof. The commission shall have
26 the power to enter into covenants with the holders of such notes, bonds
27 or other instruments in writing, not inconsistent with the powers granted
28 herein, without further legislative authority.

29 (g) The commission shall appoint an advisory committee composed
30 of members of the general public consisting of an equal number of per-
31 sons from both the states of Kansas and Missouri who have demonstrated
32 interest, expertise, knowledge or experience in cultural organizations or
33 activities. The advisory committee shall make recommendations annually
34 to the commission regarding donations, contributions and grants or other
35 support, financial or otherwise, for or in aid of cultural organizations,
36 facilities and activities in counties which are part of the district.

37 (h) The commission may provide for actual and necessary expenses
38 of commissioners and advisory committee members incurred in the per-
39 formance of their official duties.

40 (i) The commission shall cause to be prepared annually a report on
41 the operations and transactions conducted by the commission during the
42 preceding year. The report shall be submitted to the legislatures and
43 governors of the compacting states, to the governing bodies of the coun-

1 ties comprising the district, and to the governing body of each city that
2 appoints a commissioner. The commission shall publish the annual report
3 in the official county newspaper of each of the counties comprising the
4 district.

5 (j) The commission has the power to apply to the congress of the
6 United States for its consent and approval of the compact. In the absence
7 of the consent of congress and until consent is secured, the compact is
8 binding upon the states of Kansas and Missouri in all respects permitted
9 by law for the two states, without the consent of congress, for the purposes
10 enumerated and in the manner provided in the compact.

11 (k) The commission has the power to perform all other necessary and
12 incidental functions and duties and to exercise all other necessary and
13 appropriate powers not inconsistent with the constitution or laws of the
14 United States or of either of the states of Kansas or Missouri to effectuate
15 the same.

16 Article VII.—Finance

17 (a) The moneys necessary to finance the operation of the metropol-
18 itan culture district and the execution of the powers, duties and respon-
19 sibilities of the commission shall be appropriated to the commission by
20 the counties comprising the district. The moneys to be appropriated to
21 the commission shall be raised by the governing bodies of the respective
22 counties by the levy of taxes as authorized by the legislatures of the re-
23 spective party states.

24 (b) The commission shall not incur any indebtedness or obligation of
25 any kind; nor shall the commission pledge the credit of either or any of
26 the counties comprising the district or either of the states party to this
27 compact, except as authorized by article VI. The budget of the district
28 shall be prepared, adopted and published as provided by law for other
29 political subdivisions of the party states. No budget shall be adopted by
30 the commission until it has been submitted to and reviewed by the gov-
31 erning bodies of the counties comprising the district and the governing
32 body of each city represented on the commission.

33 (c) The commission shall keep accurate accounts of all receipts and
34 disbursements. The receipts and disbursements of the commission shall
35 be audited yearly by a certified or licensed public accountant and the
36 report of the audit shall be included in and become part of the annual
37 report of the commission.

38 (d) The accounts of the commission shall be open at any reasonable
39 time for inspection by duly authorized representatives of the compacting
40 states, the counties comprising the district, the cities that appoint a com-
41 missioner, and other persons authorized by the commission.

42 Article VIII.—Entry into Force

43 (a) This compact shall enter into force and become effective and

1 binding upon the states of Kansas and Missouri when it has been enacted
2 into law by the legislatures of the respective states.

3 (b) Amendments to the compact shall become effective upon enact-
4 ment by the legislatures of the respective states.

5 Article IX.—Termination

6 This compact shall continue in force and remain binding upon a party
7 state until its legislature shall have enacted a statute repealing the same
8 and providing for the sending of formal written notice of enactment of
9 such statute to the legislature of the other party state. Upon enactment
10 of such a statute by the legislature of either party state, the sending of
11 notice thereof to the other party state, and payment of any obligations
12 which the metropolitan culture district commission may have incurred
13 prior to the effective date of such statute, including, but not limited to,
14 the retirement of any outstanding bonded indebtedness of the district,
15 the agreement of the party states embodied in the compact shall be
16 deemed fully executed, the compact shall be null and void and of no
17 further force or effect, the metropolitan culture district shall be dissolved,
18 and the metropolitan culture district commission shall be abolished.

19 Article X.—Construction and Severability

20 The provisions of this compact shall be liberally construed and shall be
21 severable. If any phrase, clause, sentence or provision of this compact is
22 declared to be contrary to the constitution of either of the party states or
23 of the United States or the applicability thereof to any government,
24 agency, person or circumstance is held invalid, the validity of the remain-
25 der of this compact and the applicability thereof to any government,
26 agency, person or circumstance shall not be affected thereby. If this com-
27 pact shall be held contrary to the constitution of either of the states party
28 thereto, the compact shall thereby be nullified and voided and of no
29 further force or effect.

30 Sec. 3. K.S.A. 2002 Supp. 19-4427 is hereby amended to read as
31 follows: 19-4427. (a) Subject to the provisions of subsection (b), there
32 is hereby established in all counties adopting the provisions of this act
33 a county law enforcement agency which shall be known as the
34 “_____ county law enforcement agency.”

35 (name of county)

36 (1) Except as provided in paragraph (2), each agency shall have seven
37 members who shall be selected in the following manner:

38 (A) One member shall be a member of the board of county commis-
39 sioners of the county, selected by such board of commissioners;

40 (B) one member shall be a resident of the county, to be selected by
41 the board of county commissioners;

42 (C) one member shall be a member of the governing body of the
43 largest city located within the county, selected by such governing body;

1 (D) two members shall be residents of the largest city located within
2 the county, to be selected by the governing body of such city;

3 (E) one member shall be the mayor of the next largest city located
4 within such county, or a member of the governing body of such city,
5 designated by such mayor; and

6 (F) one member shall be the county attorney of such county.

7 (2) The Riley county law enforcement agency shall have seven mem-
8 bers who shall be selected in the following manner:

9 (A) One member shall be a member of the board of county commis-
10 sioners of the county, selected by such board of commissioners;

11 (B) one member shall be a resident of the county, to be selected by
12 the board of county commissioners;

13 (C) one member shall be a member of the governing body of the city
14 of Manhattan, to be selected by such governing body;

15 (D) two members shall be residents of the city of Manhattan, to be
16 selected by the governing body of such city;

17 (E) one member shall be the county attorney of such county; and

18 (F) one member appointed, on alternating terms, by the governing
19 body of the city of Manhattan and the board of county commissioners of
20 Riley county which member shall be a member of the governing body of
21 the appointing authority.

22 The board of county commissioners of the county and the governing
23 body of the two largest cities located within such county shall each meet
24 on the second Monday in January next following the adoption of the
25 provisions of this act and each two years thereafter and shall select and
26 designate the members of their respective bodies and the other appoint-
27 ive members as members of the agency. Appointive members of the
28 agency shall serve for a term of two years, and other members of the
29 agency who are members by virtue of their county or city office shall
30 remain eligible to serve as such only while holding such county or city
31 office. All members of such agency shall take and subscribe to an oath as
32 other county officials, and all vacancies occurring in the membership of
33 the agency shall be filled for the remainder of the unexpired term of the
34 member creating such vacancy in like manner as that provided for the
35 appointment of such member. Members of the agency shall not receive
36 compensation, but shall be reimbursed for their actual and necessary
37 expenses incurred in the performance of their official duties.

38 (b) Whenever there shall be presented to the county election officer
39 of any such county a petition, signed by qualified electors of such county
40 equal in number to not less than 10% of the electors of the county who
41 voted for the office of secretary of state at the last preceding general
42 election, requesting a special election on the proposition of electing the
43 members of the law enforcement agency of such county to be held at the

1 time of the next primary election in ~~August~~ *September* of an even-num-
2 bered year, such special election shall be held at the next such primary
3 election which occurs not less than 60 days after the date the petition is
4 filed, and the question submitted at such special election shall be as fol-
5 lows:

6 “Shall the law enforcement agency of _____ be composed of
7 (Name of county)
8 seven elected members?”

9 If a majority of the electors voting at such election vote in favor of such
10 proposition, such county’s law enforcement agency shall be elected at a
11 special election which shall be held at the time of the next succeeding
12 general election as follows: One member shall be elected from each of
13 the county commissioner districts in such county and the remaining mem-
14 bers shall be elected from the county at large, together with that portion
15 of any city within the county which is located in an adjacent county. Any
16 person seeking election to any such position shall file a declaration of
17 candidacy for the appropriate position with the county election officer
18 within 30 days after the special election at which the proposition for elect-
19 ing members of the county law enforcement agency is adopted. The
20 county election officer shall give notice of the special election to elect
21 members of the agency by publication once in a newspaper having general
22 circulation within the county. Such publication notice shall be made not
23 more than 14 nor less than seven days prior to the date of the special
24 election. If a portion of any city within such county is located in an ad-
25 jacent county, the county election officer also shall give written notice of
26 such special election to the county election officer of such adjacent county
27 as soon as the results of the special election on the proposition to elect
28 members of the agency are known.

29 Ballots for the special election to elect members of the agency shall be
30 prepared by the county election officer of the county to which this act
31 applies, including ballots for that portion of any city within such county
32 which is located in an adjacent county which ballots for the portion of
33 such city shall include only the names of the persons having declared
34 themselves to be candidates for the at large positions. All ballots for the
35 at large positions shall be prepared in such manner that each elector is
36 instructed to vote for the same number of candidates as the number of
37 positions to be filled. So far as the same may be made applicable, the laws
38 governing the election of county commissioners shall govern the election
39 of such members to be elected within county commissioner districts, and
40 the laws governing the election of other county officers shall govern the
41 election of the members from the county at large, except that the election
42 of members of the law enforcement agency shall be nonpartisan and in
43 each instance the candidate receiving the greatest number of votes shall

1 be elected. Where electors of an adjacent county residing in a city which
2 is partly in such adjacent county and partly in a county to which this act
3 applies are to vote on candidates for the at large positions, the county
4 election officer of such adjacent county shall conduct the election and the
5 board of canvassers of such adjacent county shall canvass the ballots cast
6 at such special election by electors of such adjacent county who reside in
7 such city. The board of canvassers of such adjacent county shall certify
8 the results of the special election in the adjacent county to the board of
9 canvassers of the county to which this act applies.

10 On the second Monday in January next following such general election,
11 the member positions of the law enforcement agency established pur-
12 suant to subsection (a) shall be abolished and the members elected pur-
13 suant to this subsection shall commence upon the duties of their office.
14 Members elected hereunder shall serve for terms of two years and, except
15 for the provisions relating to selection of members, the provisions of sub-
16 section (a) shall be applicable to such members.

17 Sec. 4. K.S.A. 19-4470 is hereby amended to read as follows: 19-
18 4470. The provisions of this act shall apply only to counties of this state
19 having a population of more than ~~five thousand (5,000)~~ 5,000 and less
20 than ~~twelve thousand (12,000)~~ 12,000 and an assessed taxable tangible
21 valuation of more than ~~seventy-five million dollars (\$75,000,000)~~
22 \$75,000,000, to counties having a population of more than ~~three thousand~~
23 ~~eight hundred (3,800)~~ 3,800 and less than ~~four thousand three hundred~~
24 ~~(4,300)~~ 4,300 and an assessed taxable tangible valuation of more than
25 ~~twenty-one million dollars (\$21,000,000)~~ \$21,000,000 and less than
26 ~~twenty-four million dollars (\$24,000,000)~~ \$24,000,000, and to counties
27 having a population of more than ~~three thousand (3,000)~~ 3,000 and not
28 more than ~~four thousand (4,000)~~ 4,000 and an assessed taxable tangible
29 valuation of more than ~~twenty-eight million dollars (\$28,000,000)~~
30 \$28,000,000 and not more than ~~fifty million dollars (\$50,000,000)~~
31 \$50,000,000, in which the question of the adoption of the provisions of
32 this act shall have been submitted to and shall have been approved by
33 the qualified electors of the county in the manner provided herein. The
34 board of county commissioners of any such county, by resolution adopted
35 not less than ~~ninety (90)~~ 90 days preceding the date fixed for the holding
36 of the primary election in the month of ~~August~~ *September* of an even-
37 numbered year, may direct the county election officer to place such prop-
38 osition on the ballot at said primary election. The board of county com-
39 missioners shall direct its placement on the ballot whenever (1) the
40 governing body of any city located within the county, having a population
41 equal to not less than ~~twenty-five percent (25%)~~ 25% of the total popu-
42 lation of such county shall request that such proposition be placed on the
43 ballot, by resolution adopted not less than ~~ninety (90)~~ 90 days preceding

1 the date fixed for the holding of the primary election in the month of
 2 ~~August~~ *September* of an even-numbered year, or (2) the county election
 3 officer shall certify that a petition, requesting that the proposition be
 4 placed on the ballot and signed by qualified electors of such county equal
 5 in number to not less than ~~five percent (5%)~~ 5% of the qualified electors
 6 of the county, has been filed in the county election office not less than
 7 ~~ninety (90)~~ 90 days preceding the date fixed for the holding of the primary
 8 election in the month of ~~August~~ *September* of an even-numbered year.
 9 Notice of any election held pursuant to this section shall be given in the
 10 manner prescribed by K.S.A. 10-120, *and amendments thereto*.

11 Upon the ballot the proposition shall be stated as follows:

12 “Shall the county of _____ adopt the provisions of the 1974 consolidated
 13 (Name of county)

14 law enforcement act, as contained in K.S.A. 19-4468 to 19-4486, inclusive, and any amend-
 15 ments thereto, whereby a county law enforcement agency assumes control of the principal
 16 law enforcement duties presently held by the county and the cities therein?”

17 If a majority of the votes cast upon such proposition shall be in favor
 18 thereof, the provisions of this act shall govern the enforcement of law and
 19 the providing of police protection within such county in the manner here-
 20 inafter provided.

21 Sec. 5. K.S.A. 25-203 is hereby amended to read as follows: 25-203.

22 (a) Except as otherwise provided in subsection (b), the primary national,
 23 state, county and township election shall be held on the ~~first Tuesday of~~
 24 ~~August~~ *third Tuesday in September* in even-numbered years for the nomi-
 25 nation of all candidates to be voted for at the next following general
 26 election.

27 (b) In the year ~~1992~~ 2012, if new boundary lines are defined and
 28 districts established in the manner prescribed by law for the offices of
 29 representative in the United States congress, senator and representative
 30 in the legislature of the state of Kansas, and member of the state board
 31 of education, on or after June 13, ~~1992~~ 2012, the primary national, state,
 32 county and township election shall be held on ~~August 25, 1992~~ *September*
 33 *18, 2012*, for the nomination of all candidates to be voted for at the next
 34 following general election.

35 Sec. 6. K.S.A. 2002 Supp. 25-205 is hereby amended to read as fol-
 36 lows: 25-205. (a) Except as otherwise provided in this section, the names
 37 of candidates for national, state, county and township offices shall be
 38 printed upon the official primary ballot when each shall have qualified to
 39 become a candidate by one of the following methods and none other: (1)
 40 They shall have had filed in their behalf, not later than 12:00 noon, June
 41 10, prior to such primary election, or if such date falls on Saturday, Sunday
 42 or a holiday, then before 12:00 noon of the next following day that is not
 43 a Saturday, Sunday or a holiday, nomination petitions, as provided for in

1 this act, except that in 1998, candidates for judge or district magistrate
 2 judge of the district court for positions created in 1998 in those judicial
 3 districts that have not approved the proposition of nonpartisan selection
 4 of judges of the district court shall have filed in their behalf, not later
 5 than 12:00 noon, July 1, 1998, nomination petitions, as provided for in
 6 this act; or (2) they shall have filed not later than the time for filing
 7 nomination petitions, as above provided, with the proper officer a dec-
 8 laration of intention to become a candidate, accompanied by the fee re-
 9 quired by law. Such declaration shall be prescribed by the secretary of
 10 state.

11 (b) Nomination petitions shall be in substantially the following form:

12 I, the undersigned, an elector of the county of _____, and state of Kansas, and
 13 a duly registered voter, and a member of _____ party, hereby nominate _____,
 14 who resides in the township of _____ (or at number _____ on _____
 15 street, city of _____), in the county of _____ and state of Kansas, as a
 16 candidate for the office of (here specify the office) _____, to be voted for at the
 17 primary election to be held on the ~~first~~ *third* Tuesday ~~in August~~ *in September* _____,
 18 as representing the principles of such party; and I further declare that I intend to support
 19 the candidate herein named and that I have not signed and will not sign any nomination
 20 petition for any other person, for such office at such primary election.

21 (HEADING)

22 Name of	Street Number	Name of	Date of
23 Signers.	or Rural Route	City.	Signing.
24	(as registered).		

25 All nomination petitions shall have substantially the foregoing form,
 26 written or printed at the top thereof. No signature shall be counted unless
 27 it is upon a sheet having such written or printed form at the top thereof.

28 (c) Each signer of a nomination petition shall sign but one such pe-
 29 tition for the same office, and shall declare that such person intends to
 30 support the candidate therein named, and shall add to such person's sig-
 31 nature and residence, if in a city, by street and number (if any); or, oth-
 32 erwise by post-office address. No signature shall be counted unless the
 33 place of residence of the signer is clearly indicated and the date of signing
 34 given as herein required and if ditto marks are used to indicate address
 35 they shall be continuous and clearly made. Such sheets shall not be cut
 36 or pasted together.

37 (d) All signers of each separate nomination petition shall reside in the
 38 same county and election district of the office sought. The affidavit de-
 39 scribed in this paragraph of a petition circulator who is a resident of the
 40 state of Kansas and has the qualifications of an elector in the state of
 41 Kansas or of the candidate shall be appended to each petition and shall
 42 contain, at the end of each set of documents carried by each circulator,
 43 a verification, signed by the circulator or the candidate, to the effect that

1 such circulator or the candidate personally witnessed the signing of the
2 petition by each person whose name appears thereon.

3 (e) Except as otherwise provided in subsection (g), nomination peti-
4 tions shall be signed:

5 (1) If for a state officer elected on a statewide basis or for the office
6 of United States senator, by voters equal in number to not less than 1%
7 of the total of the current voter registration of the party designated in the
8 state as compiled by the office of the secretary of state;

9 (2) If for a state or national officer elected on less than a statewide
10 basis, by voters equal in number to not less than 2% of the total of the
11 current voter registration of the party designated in such district as com-
12 piled by the office of the secretary of state, except that for the office of
13 district magistrate judge, by not less than 2% of the total of the current
14 voter registration of the party designated in the county in which such
15 office is to be filled as certified to the secretary of state in accordance
16 with K.S.A. 25-3302, and amendments thereto;

17 (3) If for a county office, by voters equal in number to not less than
18 3% of the total of the current voter registration of the party designated
19 in such district or county as compiled by the county election officer and
20 certified to the secretary of state in accordance with K.S.A. 25-3302, and
21 amendments thereto; and

22 (4) If for a township office, by voters equal in number to not less than
23 3% of the total of the current voter registration of the party designated
24 in such township as compiled by the county election officer and certified
25 to the secretary of state in accordance with K.S.A. 25-3302, and amend-
26 ments thereto.

27 (f) Subject to the requirements of K.S.A. 25-202, and amendments
28 thereto, any political organization filing nomination petitions for a major-
29 ity of the state or county offices, as provided in this act, shall have a
30 separate primary election ballot as a political party and, upon receipt of
31 such nomination petitions, the respective officers shall prepare a separate
32 state and county ballot for such new party in their respective counties or
33 districts thereof in the same manner as is provided for existing parties.

34 (g) In any year in which districts are reapportioned for the offices of
35 representative in the United States congress, senator and representative
36 in the legislature of the state of Kansas or member of the state board of
37 education:

38 (1) If new boundary lines are defined and districts established in the
39 manner prescribed by law on or before May 10, nomination petitions for
40 nomination to such offices shall be signed by voters equal in number to
41 not less than 1% of the total of the current voter registration of the party
42 designated in the district as compiled by the office of the secretary of
43 state.

1 (2) If new boundary lines are defined and districts established in the
2 manner prescribed by law on or after May 11, nomination petitions for
3 nomination to the following offices shall be signed by registered voters
4 of the party designated in the district equal in number to not less than
5 the following:

- 6 (A) For the office of representative in the United States
7 congress 1,000 registered voters;
- 8 (B) for the office of member of the state board of edu-
9 cation 300 registered voters;
- 10 (C) for the office of state senator 75 registered voters; and
- 11 (D) for the office of state representative 25 registered voters.

12 (h) In any year in which districts are reapportioned for the offices of
13 representative in the United States congress, senator and representative
14 in the legislature of the state of Kansas or member of the state board of
15 education:

16 (1) If new boundary lines are defined and districts established in the
17 manner prescribed by law on or before June 10, the deadline for filing
18 nomination petitions and declarations of intention to become a candidate
19 for such office, accompanied by the fee required by law, shall be 12:00
20 noon on June 24, or if such date falls on a Saturday, Sunday or a holiday,
21 then before 12:00 noon of the next following day that is not a Saturday,
22 Sunday or holiday.

23 (2) If new boundary lines are defined and districts established in the
24 manner prescribed by law on or after June 11, the deadline for filing
25 nomination petitions and declarations of intention to become a candidate
26 for such office, accompanied by the fee required by law, shall be 12:00
27 noon on July 12, or if such date falls on a Saturday, Sunday or holiday,
28 then before 12:00 noon of the next day that is not a Saturday, Sunday or
29 holiday.

30 Sec. 7. K.S.A. 2002 Supp. 5-302a is hereby amended to read as fol-
31 lows: 25-302a. Any political party seeking official recognition in this state
32 after the effective date of this act shall file in its behalf, not later than
33 12:00 noon, June 1, prior to the primary election held on the ~~first~~ *third*
34 ~~Tuesday of August~~ *Tuesday of August in September* in even-numbered years, or if such date
35 falls on a Saturday, Sunday or a holiday, then before 12:00 noon of the
36 next following day that is not a Saturday, Sunday or a holiday petitions
37 signed by qualified electors equal in number to at least 2% of the total
38 vote cast for all candidates for the office of governor in the state in the
39 last preceding general election. Such petitions shall declare support for
40 the official recognition of a political party, the name of which shall be
41 stated in the declaration. No political party seeking official recognition
42 shall assume a name or designation which is similar, in the opinion of the
43 secretary of state, to that of an existing party as to confuse or mislead the

1 voters at an election.

2 Petitions seeking official recognition of a political party shall be sub-
 3 stantially in the following form:

4 PETITION SEEKING THE OFFICIAL RECOGNITION OF
 5 THE _____ PARTY IN THE STATE OF KANSAS

6 I, the undersigned, hereby declare my support for the official recognition of the _____
 7 Party.

8 I have personally signed this petition; I am a registered elector of the state of Kansas and
 9 the County of _____, and my residence address is correctly written after my name.

10 NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

11 Appended to each petition page or set of pages shall be an affidavit by
 12 the circulator of the petition affirming that such circulator is a resident
 13 of the state of Kansas and has the qualifications of an elector in Kansas
 14 and that the circulator personally witnessed the signing of the petition by
 15 each person whose name appears thereon. The affidavit shall be executed
 16 before a person authorized to administer oaths and include the address
 17 of the circulator.

18 Each page of such petition shall bear the names of registered voters of
 19 a single county. All petitions shall be grouped according to the county in
 20 which each was circulated before being filed with the secretary of state.
 21 All such petitions shall be filed at one time. Any related petitions pre-
 22 sented thereafter will be deemed to be separate and not a part of earlier
 23 filings. County election officers shall cooperate with the secretary of state
 24 in verifying the sufficiency of these petitions as required by law.

25 The secretary of state shall transmit such petitions to the county elec-
 26 tion officer of each county for which petitions were presented to be ex-
 27 amined for sufficiency pursuant to the provisions of K.S.A. 25-3601 *et*
 28 *seq.* and amendments thereto and applicable regulations. Not more than
 29 20 days following receipt of such petitions from the secretary of state, the
 30 county election officer shall return these documents to the secretary of
 31 state certifying the number of sufficient signatures thereon. The secretary
 32 of state shall gather all petitions and determine whether a sufficient num-
 33 ber of signatures was submitted. The secretary of state shall forthwith
 34 notify the person who submitted the declaration of intent to circulate
 35 such petitions of the sufficiency or insufficiency of the number of signa-
 36 tures.

37 Sec. 8. K.S.A. 25-1115 is hereby amended to read as follows: 25-
 38 1115. (a) "General election" means the election held on the Tuesday
 39 succeeding the first Monday in November of even-numbered years, the
 40 elections held for officers on the first Tuesday in April, and in the case
 41 of special elections of any officers to fill vacancies, the election at which
 42 any such officer is finally elected.

43 (b) "Primary election" means the election held on the ~~first~~ *third*

1 Tuesday ~~in August~~ *in September* of even-numbered years, the election
2 held five weeks preceding the election on the first Tuesday in April, and
3 any other preliminary election at which part of the candidates for special
4 election to any national, state, county, city or school office are eliminated
5 by the process of the election but at which no officer is finally elected.

6 Sec. 9. K.S.A. 2002 Supp. 25-1122 is hereby amended to read as
7 follows: 25-1122. (a) Any registered voter may file with the county elec-
8 tion officer where such person is a resident, or where such person is
9 authorized by law to vote as a former precinct resident, an application for
10 an advance voting ballot. The signed application shall be transmitted only
11 to the county election officer by personal delivery, mail, facsimile or as
12 otherwise provided by law.

13 (b) Applications for advance voting ballots to be transmitted to the
14 voter by mail shall be filed only at the following times:

15 (1) For the primary election occurring on the ~~first third~~ Tuesday ~~in~~
16 ~~August~~ *in September* in even-numbered years, between April 1 of such
17 year and the last business day of the week preceding such primary elec-
18 tion.

19 (2) For the general election occurring on the Tuesday succeeding the
20 first Monday in November in even-numbered years, between 90 days
21 prior to such election and the last business day of the week preceding
22 such general election.

23 (3) For the primary election held five weeks preceding the first Tues-
24 day in April, between January 1 of the year of such election and the last
25 business day of the week preceding such primary election.

26 (4) For the general election occurring on the first Tuesday in April,
27 between January 1 of the year of such election and the last business day
28 of the week preceding such general election.

29 (5) For question submitted elections occurring on the date of a pri-
30 mary or general election, the same as is provided for ballots for election
31 of officers at such election.

32 (6) For question submitted elections not occurring on the date of a
33 primary or general election, between the time of the first published notice
34 thereof and the last business day of the week preceding such question
35 submitted election, except that if the question submitted election is held
36 on a day other than a Tuesday, the county election officer shall determine
37 the final date for mailing of advance voting ballots, but such date shall
38 not be more than three business days before such election.

39 (7) For any special election of officers, at such time as is specified by
40 the secretary of state.

41 (8) For the presidential preference primary, between January 1 of
42 the year in which such primary is held and the last business day of the
43 week preceding such primary election.

1 The county election officer of any county may receive applications prior
2 to the time specified in this subsection (b) and hold such applications
3 until the beginning of the prescribed application period. Such applications
4 shall be treated as filed on that date.

5 (c) Unless an earlier date is designated by the county election office,
6 applications for advance voting ballots transmitted to the voter in person
7 in the office of the county election officer shall be filed on the Tuesday
8 next preceding the election and on each subsequent business day until
9 no later than 12:00 noon on the day preceding such election. If the county
10 election officer so provides, applications for advance voting ballots trans-
11 mitted to the voter in person in the office of the county election officer
12 also may be filed on the Saturday preceding the election. Upon receipt
13 of any such properly executed application, the county election officer shall
14 deliver to the voter such ballots and instructions as are provided for in
15 this act.

16 An application for an advance voting ballot filed by a sick, physically
17 disabled or illiterate voter or by a person rendering assistance to such
18 voter may be filed during the regular advance ballot application periods
19 until the close of the polls on election day.

20 In any county having a population exceeding 250,000, the county elec-
21 tion officer may designate places other than the central county election
22 office as satellite advance voting sites. At any satellite advance voting site,
23 a registered voter may obtain an application for advance voting ballots,
24 such ballots and instructions shall be delivered to the voter in the same
25 manner and subject to the same limitations as otherwise provided by this
26 subsection.

27 (d) Any person having a permanent physical disability or an illness
28 which has been diagnosed as a permanent illness is hereby authorized to
29 make an application for permanent advance voting status. Applications
30 for permanent advance voting status shall be in the form and contain such
31 information as is required for application for advance voting ballots and
32 also shall contain information which establishes the voter's right to per-
33 manent advance voting status.

34 (e) On receipt of any application filed under the provisions of this
35 section, the county election officer shall prepare and maintain in such
36 officer's office a list of the names of all persons who have filed such
37 applications, together with their correct post office address and the pre-
38 cinct, ward, township or voting area in which such persons claim to be
39 registered voters or to be authorized by law to vote as former precinct
40 residents and the present resident address of each applicant. Such names
41 and addresses shall remain so listed until the day of such election. The
42 county election officer shall maintain a separate listing of the names and
43 addresses of persons qualifying for permanent advance voting status. All

1 such lists shall be available for inspection upon request in compliance
2 with this subsection by any registered voter during regular business hours.
3 The county election officer upon receipt of such applications shall enter
4 upon a record kept by such officer the name and address of each appli-
5 cant, which record shall conform to the list above required. Before in-
6 spection of any advance voting ballot application list, the person desiring
7 to make such inspection shall provide to the county election officer iden-
8 tification in the form of driver's license or other reliable identification and
9 shall sign a log book or application form maintained by such officer stating
10 such person's name and address and showing the date and time of in-
11 spection. All records made by the county election officer shall be subject
12 to public inspection, except that the identifying number on ballots and
13 ballot envelopes and records of such number shall not be made public.

14 (f) If a person on the permanent advance voting list fails to vote in
15 two consecutive general elections held on the Tuesday succeeding the
16 first Monday in November of each even-numbered year, the county elec-
17 tion officer may mail a notice to such voter. Such notice shall inform the
18 voter that the voter's name will be removed from the permanent advance
19 voting list unless the voter renews the application for permanent advance
20 voting status within 30 days after the notice is mailed. If the voter fails to
21 renew such application, the county election officer shall remove the
22 voter's name from the permanent advance voting list. Failure to renew
23 the application for permanent advance voting status shall not result in
24 removal of the voter's name from the voter registration list.

25 Sec. 10. K.S.A. 25-2102 is hereby amended to read as follows: 25-
26 2102. (a) "General election" means the election held on the Tuesday
27 succeeding the first Monday in November of even-numbered years, the
28 elections held for officers on the first Tuesday in April, and in the case
29 of special elections of any officers to fill vacancies, the election at which
30 any such officer is finally elected.

31 (b) "Primary election" means the election held on the ~~first Tuesday~~
32 ~~in August~~ *third Tuesday in September* of even-numbered years, the elec-
33 tion held five weeks preceding the election on the first Tuesday in April,
34 and any other preliminary election at which part of the candidates for
35 special election to any national, state, county, city or school office are
36 eliminated by the process of the election but at which no officer is finally
37 elected.

38 Sec. 11. K.S.A. 25-2502 is hereby amended to read as follows: 25-
39 2502. (a) "General election" means the election held on the Tuesday
40 succeeding the first Monday in November of even-numbered years, the
41 elections held for officers on the first Tuesday in April, and in the case
42 of special elections of any officers to fill vacancies, the election at which
43 any such officer is finally elected.

1 (b) “Primary election” means the election held on the ~~first Tuesday~~
2 ~~in August~~ *third Tuesday in September* of even-numbered years, the elec-
3 tion held five weeks preceding the election on the first Tuesday in April,
4 and any other preliminary election at which part of the candidates for
5 special election to any national, state, county, township, city or school
6 office are eliminated by the process of the election but at which no officer
7 is finally elected.

8 Sec. 12. K.S.A. 2002 Supp. 25-3801 is hereby amended to read as
9 follows: 25-3801. (a) At each primary election, the members of the party
10 residing in each precinct in each county of the state shall elect a man of
11 their number as precinct committeeman and a woman of their number
12 as precinct committeewoman. No person shall be eligible to be a candi-
13 date for or hold the office of precinct committeeman or precinct com-
14 mitteewoman of a party in any precinct unless such person actually lives,
15 resides and occupies a place of abode in such precinct, and is in all other
16 respects a qualified elector and is shown as a member of such party on
17 the party affiliation list, in the office of the county election officer. Except
18 as provided in subsection (b), any vacancy occurring in the office of pre-
19 cinct committeeman or committeewoman shall be promptly filled by ap-
20 pointment by the county chairperson, except that any vacancy which oc-
21 curs because the party had no candidate at such primary election shall
22 not be filled until the county central committee has elected or reelected
23 its chairperson. Not later than three days after appointment of precinct
24 committeemen and committeewomen, the county chairperson making
25 the appointments shall notify the county election officer of such appoint-
26 ments. The county election officer shall make such appointments public
27 immediately upon receipt thereof. As used in this act, “primary election”
28 means the statewide election held in ~~August~~ *September* of even-num-
29 bered years.

30 (b) When a convention is to be held under article 39 of chapter 25
31 of Kansas Statutes Annotated to fill a vacancy, no appointments shall be
32 made under subsection (a): (1) After the county chairperson has received
33 notice from the county election officer of a vacancy or a pending vacancy
34 in a county elected office; or (2) after the county chairperson in each
35 county, all or a part of which, is located within a legislative district has
36 received notice from the secretary of state of a vacancy or a pending
37 vacancy in a legislative office.

38 After the vacancy has been filled by a person elected at a convention
39 held under article 39 of chapter 25 of the Kansas Statutes Annotated, any
40 vacancy in the office of precinct committeeman or committeewoman shall
41 be filled as provided by subsection (a).

42 Sec. 13. K.S.A. 25-3901 is hereby amended to read as follows: 25-
43 3901. As used in this act, unless the context otherwise requires, the words

1 and terms defined in article 25 of chapter 25 of Kansas Statutes Annotated
 2 shall have the meaning therein ascribed thereto, to the extent that the
 3 same are not in conflict with the following:

4 (a) "District office" means the office of district judge, district mag-
 5 istrate judge, county commissioner, state representative, state senator,
 6 district attorney or county attorney.

7 (b) "Party" means a political party having a state and national organ-
 8 ization and of which the officer or candidate whose position has become
 9 vacant was a member.

10 (c) "Party candidacy" means a candidate of a political party for a party
 11 nomination at a primary election or the party candidate at a general elec-
 12 tion.

13 (d) "General election" means the election held on the Tuesday suc-
 14 ceeding the first Monday in November in even-numbered years.

15 (e) "Primary election" means the election held on the ~~first~~ *third* Tues-
 16 day in ~~August~~ *in September* in even-numbered years.

17 (f) "County chairman" or "county chairperson" means the chairper-
 18 son of the county central committee, provided to be elected under K.S.A.
 19 25-3802 and amendments thereto, of the political party of which the of-
 20 ficer or candidate whose position has become vacant was a member.

21 Sec. 14. K.S.A. 2002 Supp. 25-4005 is hereby amended to read as
 22 follows: 25-4005. The nomination papers or petitions as mentioned in
 23 K.S.A. 25-4004, and amendments thereto, shall be in substantially the
 24 following form:

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

27
 28 (Here insert name and city)

29 and state of Kansas as a candidate for the office of governor, and running with such candidate

30
 31 (Here insert name and city)

32 and state of Kansas as a candidate for the office of lieutenant governor to be voted for at
 33 the primary to be held on the ~~first~~ *third* Tuesday in ~~August~~ *September* in _____, as
 34 representing the principles of such party; and I further declare that I intend to support the
 35 candidates herein named and that I have not signed and will not sign any petition or nom-
 36 ination paper for any other persons, for such offices at the next ensuing election.

37 (HEADING)

38 Name of	Street Number	Name of	Date of
39 Signers	or RR	City	Signing
40	(as Registered)		

41 All nomination papers shall have substantially the foregoing form, writ-
 42 ten or printed at the top thereof. No signature shall be counted unless it
 43 is upon a sheet having such written or printed form at the top thereof.

1 Each signer of a nomination paper shall sign but one such paper for
2 governor and lieutenant governor, and shall declare that such signer in-
3 tends to support the candidates therein named, and shall add to the
4 signer's signature the signer's residence, if in a city, by street and number
5 (if any); or, otherwise by address as shown on such signer's registration.
6 No signature shall be counted unless the place of residence of the signer
7 is clearly indicated and the date of signing given as herein required and
8 if ditto marks are used to indicate address they shall be continuous and
9 clearly made. Such sheets shall not be cut or pasted together.

10 All signers of each separate nomination paper shall reside in the same
11 county. The affidavit of a petition circulator who is a resident of the state
12 of Kansas and has the qualifications of an elector of the state of Kansas
13 shall be appended to each such nomination paper, stating that to the best
14 of such petition circulator's knowledge and belief, all the signers thereof
15 are qualified electors of that county; that the petition circulator knows
16 that they signed the same with full knowledge of the contents thereof;
17 that their respective residences are correctly stated therein; that each
18 signer signed the same on the date stated opposite such signer's name,
19 and that the affiant intends to support the candidates therein named.
20 Such affidavit shall be prima facie evidence of the facts therein stated.

21 Such nomination papers shall be signed by not less than 1% of the total
22 vote of the party designated in the state. The basis of the percentage shall
23 be the vote of the party for secretary of state at the last preceding general
24 election of secretary of state; or, in case of a new party, the basis of a
25 percentage shall be the vote cast for the successful candidate for secretary
26 of state at the last preceding general election of secretary of state.

27 Sec. 15. K.S.A. 12-1254, 12-2536, 19-4470, 25-203, 25-1115, 25-
28 2102, 25-2502 and 25-3901 and K.S.A. 2002 Supp. 19-4427, 25-205, 25-
29 302a, 25-1122, 25-3801 and 25-4005 are hereby repealed.

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

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