

5
6 **SENATE BILL No. 101**

7
8 By Committee on Elections and Local Government

9
10 1-30

11
12 AN ACT concerning elections; relating to the presidential primary; [*re-*
13 *lating to the date when certain primary elections are held;*]
14 amending K.S.A. [*12-1254, 25-203, 25-306b, 25-1115, 25-1220,*
15 *25-2102, 25-2502, 25-3205, 25-3901, 25-3904, 25-3904a, 25-*
16 *3905,*] 25-4501 and 25-4505 [*and K.S.A. 2002 Supp. 25-205, 25-*
17 *302a, 25-1122 and 25-4005*] and repealing the existing sections.

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. K.S.A. 25-4501 is hereby amended to read as follows: 25-
21 4501. (a) Subject to the provisions of this section, there shall be held a
22 presidential preference primary election in the year ~~2004~~ **2008**, and every
23 fourth year thereafter.

24 (b) On or before November ~~3, 2003~~ *1, 2007*, and on or before No-
25 vember 1 every fourth year thereafter, the secretary of state shall certify
26 to the governor, to the chief clerk of the house of representatives and to
27 the secretary of the senate a common date in the next succeeding year
28 on which at least five other states will hold a presidential preference
29 primary election, a delegate or mass convention or a caucus of qualified
30 voters at which delegates to a national convention are selected. On or
31 before each such date, if the secretary of state determines that there is
32 no common date on which at least five states are conducting such a se-
33 lection process in the next succeeding year, the secretary of state shall
34 certify to the governor, the chief clerk of the house of representatives and
35 the secretary of the senate on a date, which shall be on or before the first
36 Tuesday in April of the next following year, on which the presidential
37 preference primary election shall be held.

38 (c) The date certified by the secretary of state pursuant to subsection
39 (b) shall be the date on which the presidential preference primary election
40 authorized by subsection (a) shall be held in the state of Kansas.

41 Sec. 2. K.S.A. 25-4505 is hereby amended to read as follows: 25-
42 4505. The county board of canvassers of each county shall meet at the
43 office of the county election officer unless another place is agreed upon

1 and announced as provided in K.S.A. 25-3105, *and amendments thereto*,
2 at any time between 8:00 and 10:00 o'clock a.m. on the Friday following
3 the day a presidential preference primary election is held and canvass the
4 vote of such preference primary. *The county election officer may move*
5 *the canvass to the Monday next following the election if notice of such*
6 *change is published prior to the canvass in a newspaper of general cir-*
7 *culatation within the county.* Upon completion of such canvass, the county
8 election officer of each county shall prepare an abstract of the vote of the
9 presidential preference primary election in his or her county as such vote
10 is determined by the county board of canvassers and shall promptly trans-
11 mit the same to the secretary of state no later than the tenth day after
12 the day of the election. Each county election officer shall also post a copy
13 of such abstract in a public place in the courthouse of his or her county.

14 Every such transmittal shall be made by first class mail or by a mes-
15 senger. If the secretary of state fails to receive the abstract of the canvass
16 from any county within ~~fourteen (14)~~ 14 days next after the election, he
17 or she shall dispatch a special messenger to obtain a copy of the same,
18 and the county election officer shall immediately, on demand of such
19 messenger, make out and deliver to such messenger the copy required.
20 Thereupon, the messenger shall deliver such copy to the secretary of
21 state, and the secretary of state shall be reimbursed for the expenses of
22 such messenger by such county.

23 ***[Sec. 3. K.S.A. 12-1254 is hereby amended to read as follows:***
24 ***12-1254. In all cities having a population by the official state census***
25 ***of more than one hundred twenty thousand (120,000) 120,000 and less***
26 ***than one hundred fifty thousand (150,000) 150,000 in which a free pub-***
27 ***lic library has heretofore been established as provided by law, the***
28 ***board of directors of such free public library is hereby authorized***
29 ***and empowered to submit the question of making an annual tax levy***
30 ***of not to exceed one (1) mill for a period not to exceed five (5) years***
31 ***upon the taxable tangible property within such city for the purpose***
32 ***of creating a building fund to be used for the construction, recon-***
33 ***struction, additions to, furnishing and equipping of the building***
34 ***housing such free public library and of a building to house motor***
35 ***vehicles of such free public library and the architectural expense***
36 ***incidental thereto, to the electors of such city at an election called***
37 ***and held in the manner provided for the calling and holding of elec-***
38 ***tions under the provisions of the general bond law, at the time fixed***
39 ***for the holding of the primary election in August. The amount of***
40 ***such levy and the period for which it will be made shall be stated***
41 ***in the notice and upon the ballot of such election. No tax levy shall***
42 ***be made under the provisions of this act without the question of the***
43 ***making of such levy having been submitted to and having received***

1 *the approval of a majority of the electors of such city voting thereon*
2 *at an election called and held for such purpose. All moneys derived*
3 *from the tax levy authorized by this act shall be placed in a building*
4 *fund to be used only for the purposes for which the tax levy was*
5 *made. All tax levies authorized by this act shall be in addition to all*
6 *other tax levies authorized by law and shall not be subject to any*
7 *of the limitations prescribed by law, including K.S.A. 12-1215 and*
8 *12-1217 and any acts amendatory thereof or supplemental amendments*
9 *thereto.*

10 *[Sec. 4. K.S.A. 25-203 is hereby amended to read as follows: 25-*
11 *203. (a) Except as otherwise provided in subsection (b), the primary*
12 *national, state, county and township election shall be held on the*
13 *first Tuesday ~~of~~ after the fourth Monday in August in even-numbered*
14 *years for the nomination of all candidates to be voted for at the next*
15 *following general election.*

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

24 *[Sec. 5. K.S.A. 2002 Supp. 25-205 is hereby amended to read*
25 *as follows: 25-205. (a) Except as otherwise provided in this section,*
26 *the names of candidates for national, state, county and township*
27 *offices shall be printed upon the official primary ballot when each*
28 *shall have qualified to become a candidate by one of the following*
29 *methods and none other: (1) They shall have had filed in their be-*
30 *half, not later than 12:00 noon, June 10, prior to such primary elec-*
31 *tion, or if such date falls on Saturday, Sunday or a holiday, then*
32 *before 12:00 noon of the next following day that is not a Saturday,*
33 *Sunday or a holiday, nomination petitions, as provided for in this*
34 *act, except that in 1998, candidates for judge or district magistrate*
35 *judge of the district court for positions created in 1998 in those*
36 *judicial districts that have not approved the proposition of nonpar-*
37 *tisan selection of judges of the district court shall have filed in their*
38 *behalf, not later than 12:00 noon, July 1, 1998, nomination peti-*
39 *tions, as provided for in this act; or (2) they shall have filed not later*
40 *than the time for filing nomination petitions, as above provided,*
41 *with the proper officer a declaration of intention to become a can-*
42 *didate, accompanied by the fee required by law. Such declaration*
43 *shall be prescribed by the secretary of state.*

1 **[(b) Nomination petitions shall be in substantially the following**
 2 **form:**

3 **[I, the undersigned, an elector of the county of _____, and state of Kansas, and**
 4 **a duly registered voter, and a member of _____ party, hereby nominate**
 5 **_____, who resides in the township of _____ (or at number _____ on**
 6 **_____ street, city of _____), in the county of _____ and state**
 7 **of Kansas, as a candidate for the office of (here specify the office) _____, to**
 8 **be voted for at the primary election to be held on the first Tuesday following the fourth**
 9 **Monday in August in _____, as representing the principles of such party; and**
 10 **I further declare that I intend to support the candidate herein named and that I have**
 11 **not signed and will not sign any nomination petition for any other person, for such**
 12 **office at such primary election.**

13 **[(HEADING)**

14 [Name of	Street Number	Name of	Date of
15 [Signers.	or Rural Route	City.	Signing.
	(as registered).		

17 **[All nomination petitions shall have substantially the foregoing**
 18 **form, written or printed at the top thereof. No signature shall be**
 19 **counted unless it is upon a sheet having such written or printed**
 20 **form at the top thereof.**

21 **[(c) Each signer of a nomination petition shall sign but one such**
 22 **petition for the same office, and shall declare that such person in-**
 23 **tends to support the candidate therein named, and shall add to such**
 24 **person's signature and residence, if in a city, by street and number**
 25 **(if any); or, otherwise by post-office address. No signature shall be**
 26 **counted unless the place of residence of the signer is clearly indi-**
 27 **cated and the date of signing given as herein required and if ditto**
 28 **marks are used to indicate address they shall be continuous and**
 29 **clearly made. Such sheets shall not be cut or pasted together.**

30 **[(d) All signers of each separate nomination petition shall reside**
 31 **in the same county and election district of the office sought. The**
 32 **affidavit described in this paragraph of a petition circulator who is**
 33 **a resident of the state of Kansas and has the qualifications of an**
 34 **elector in the state of Kansas or of the candidate shall be appended**
 35 **to each petition and shall contain, at the end of each set of docu-**
 36 **ments carried by each circulator, a verification, signed by the cir-**
 37 **culator or the candidate, to the effect that such circulator or the**
 38 **candidate personally witnessed the signing of the petition by each**
 39 **person whose name appears thereon.**

40 **[(e) Except as otherwise provided in subsection (g), nomination**
 41 **petitions shall be signed:**

42 **[(1) If for a state officer elected on a statewide basis or for the**
 43 **office of United States senator, by voters equal in number to not**

1 *less than 1% of the total of the current voter registration of the party*
2 *designated in the state as compiled by the office of the secretary of*
3 *state;*

4 *[(2) If for a state or national officer elected on less than a state-*
5 *wide basis, by voters equal in number to not less than 2% of the*
6 *total of the current voter registration of the party designated in such*
7 *district as compiled by the office of the secretary of state, except*
8 *that for the office of district magistrate judge, by not less than 2%*
9 *of the total of the current voter registration of the party designated*
10 *in the county in which such office is to be filled as certified to the*
11 *secretary of state in accordance with K.S.A. 25-3302, and amend-*
12 *ments thereto;*

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

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

23 *[(f) Subject to the requirements of K.S.A. 25-202, and amend-*
24 *ments thereto, any political organization filing nomination petitions*
25 *for a majority of the state or county offices, as provided in this act,*
26 *shall have a separate primary election ballot as a political party*
27 *and, upon receipt of such nomination petitions, the respective offi-*
28 *cers shall prepare a separate state and county ballot for such new*
29 *party in their respective counties or districts thereof in the same*
30 *manner as is provided for existing parties.*

31 *[(g) In any year in which districts are reapportioned for the*
32 *offices of representative in the United States congress, senator and*
33 *representative in the legislature of the state of Kansas or member*
34 *of the state board of education:*

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

41 *[(2) If new boundary lines are defined and districts established*
42 *in the manner prescribed by law on or after May 11, nomination*
43 *petitions for nomination to the following offices shall be signed by*

1 **registered voters of the party designated in the district equal in**
2 **number to not less than the following:**

3 *[(A) For the office of representative in the United*
4 *States congress 1,000 registered voters;*

5 *[(B) for the office of member of the state board of*
6 *education 300 registered voters;*

7 *[(C) for the office of state senator 75 registered voters; and*

8 *[(D) for the office of state representative 25 registered voters.*

9 ***[(h) In any year in which districts are reapportioned for the***
10 ***offices of representative in the United States congress, senator and***
11 ***representative in the legislature of the state of Kansas or member***
12 ***of the state board of education:***

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

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

27 ***[Sec. 6. K.S.A. 2002 Supp. 25-302a is hereby amended to read***
28 ***as follows: 25-302a. Any political party seeking official recognition***
29 ***in this state after the effective date of this act shall file in its behalf,***
30 ***not later than 12:00 noon, June 1, prior to the primary election held***
31 ***on the first Tuesday following the fourth Monday of August in even-***
32 ***numbered years, or if such date falls on a Saturday, Sunday or a***
33 ***holiday, then before 12:00 noon of the next following day that is not***
34 ***a Saturday, Sunday or a holiday petitions signed by qualified elec-***
35 ***tors equal in number to at least 2% of the total vote cast for all***
36 ***candidates for the office of governor in the state in the last preceding***
37 ***general election. Such petitions shall declare support for the official***
38 ***recognition of a political party, the name of which shall be stated***
39 ***in the declaration. No political party seeking official recognition***
40 ***shall assume a name or designation which is similar, in the opinion***
41 ***of the secretary of state, to that of an existing party as to confuse***
42 ***or mislead the voters at an election.***

43 ***[Petitions seeking official recognition of a political party shall be***

1 *substantially in the following form:*

2 *[PETITION SEEKING THE OFFICIAL RECOGNITION OF*

3 *[THE _____ PARTY IN THE STATE OF KANSAS*

4 *[I, the undersigned, hereby declare my support for the official recognition of the*
5 *_____ Party.*

6 *[I have personally signed this petition; I am a registered elector of the state of*
7 *Kansas and the County of _____, and my residence address is correctly writ-*
8 *ten after my name.*

9 *[NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING*

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

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

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

37 *[Sec. 7. K.S.A. 25-1115 is hereby amended to read as follows:*
38 *25-1115. (a) "General election" means the election held on the*
39 *Tuesday succeeding the first Monday in November of even-num-*
40 *bered years, the elections held for officers on the first Tuesday in*
41 *April, and in the case of special elections of any officers to fill va-*
42 *cancies, the election at which any such officer is finally elected.*

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

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

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

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

16 ***[(1) For the primary election occurring on the first Tuesday***
17 ***following the fourth Monday in August in even-numbered years, be-***
18 ***tween April 1 of such year and the last business day of the week***
19 ***preceding such primary election.***

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

24 ***[(3) For the primary election held five weeks preceding the first***
25 ***Tuesday in April, between January 1 of the year of such election***
26 ***and the last business day of the week preceding such primary elec-***
27 ***tion.***

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

31 ***[(5) For question submitted elections occurring on the date of***
32 ***a primary or general election, the same as is provided for ballots***
33 ***for election of officers at such election.***

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

42 ***[(7) For any special election of officers, at such time as is spec-***
43 ***ified by the secretary of state.***

1 ***[(8) For the presidential preference primary, between January***
2 ***1 of the year in which such primary is held and the last business***
3 ***day of the week preceding such primary election.***

4 ***[The county election officer of any county may receive applica-***
5 ***tions prior to the time specified in this subsection (b) and hold such***
6 ***applications until the beginning of the prescribed application pe-***
7 ***riod. Such applications shall be treated as filed on that date.***

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

20 ***[An application for an advance voting ballot filed by a sick, phys-***
21 ***ically disabled or illiterate voter or by a person rendering assistance***
22 ***to such voter may be filed during the regular advance ballot appli-***
23 ***cation periods until the close of the polls on election day.***

24 ***[In any county having a population exceeding 250,000, the***
25 ***county election officer may designate places other than the central***
26 ***county election office as satellite advance voting sites. At any sat-***
27 ***ellite advance voting site, a registered voter may obtain an appli-***
28 ***cation for advance voting ballots, such ballots and instructions shall***
29 ***be delivered to the voter in the same manner and subject to the same***
30 ***limitations as otherwise provided by this subsection.***

31 ***[(d) Any person having a permanent physical disability or an***
32 ***illness which has been diagnosed as a permanent illness is hereby***
33 ***authorized to make an application for permanent advance voting***
34 ***status. Applications for permanent advance voting status shall be***
35 ***in the form and contain such information as is required for appli-***
36 ***cation for advance voting ballots and also shall contain information***
37 ***which establishes the voter's right to permanent advance voting***
38 ***status.***

39 ***[(e) On receipt of any application filed under the provisions of***
40 ***this section, the county election officer shall prepare and maintain***
41 ***in such officer's office a list of the names of all persons who have***
42 ***filed such applications, together with their correct post office ad-***
43 ***dress and the precinct, ward, township or voting area in which such***

1 persons claim to be registered voters or to be authorized by law to
2 vote as former precinct residents and the present resident address
3 of each applicant. Such names and addresses shall remain so listed
4 until the day of such election. The county election officer shall
5 maintain a separate listing of the names and addresses of persons
6 qualifying for permanent advance voting status. All such lists shall
7 be available for inspection upon request in compliance with this
8 subsection by any registered voter during regular business hours.
9 The county election officer upon receipt of such applications shall
10 enter upon a record kept by such officer the name and address of
11 each applicant, which record shall conform to the list above re-
12 quired. Before inspection of any advance voting ballot application
13 list, the person desiring to make such inspection shall provide to the
14 county election officer identification in the form of driver's license
15 or other reliable identification and shall sign a log book or appli-
16 cation form maintained by such officer stating such person's name
17 and address and showing the date and time of inspection. All records
18 made by the county election officer shall be subject to public in-
19 spection, except that the identifying number on ballots and ballot
20 envelopes and records of such number shall not be made public.

21 [(f) If a person on the permanent advance voting list fails to vote
22 in two consecutive general elections held on the Tuesday succeeding
23 the first Monday in November of each even-numbered year, the
24 county election officer may mail a notice to such voter. Such notice
25 shall inform the voter that the voter's name will be removed from
26 the permanent advance voting list unless the voter renews the ap-
27 plication for permanent advance voting status within 30 days after
28 the notice is mailed. If the voter fails to renew such application, the
29 county election officer shall remove the voter's name from the per-
30 manent advance voting list. Failure to renew the application for
31 permanent advance voting status shall not result in removal of the
32 voter's name from the voter registration list.

33 [Sec. 9. K.S.A. 25-2102 is hereby amended to read as follows:
34 25-2102. (a) "General election" means the election held on the
35 Tuesday succeeding the first Monday in November of even-num-
36 bered years, the elections held for officers on the first Tuesday in
37 April, and in the case of special elections of any officers to fill va-
38 cancies, the election at which any such officer is finally elected.

39 [(b) "Primary election" means the election held on the first
40 Tuesday following the fourth Monday in August of even-numbered
41 years, the election held five weeks preceding the election on the first
42 Tuesday in April, and any other preliminary election at which part
43 of the candidates for special election to any national, state, county,

1 *city or school office are eliminated by the process of the election*
2 *but at which no officer is finally elected.*

3 *[Sec. 10. K.S.A. 25-2502 is hereby amended to read as follows:*
4 *25-2502. (a) “General election” means the election held on the*
5 *Tuesday succeeding the first Monday in November of even-num-*
6 *bered years, the elections held for officers on the first Tuesday in*
7 *April, and in the case of special elections of any officers to fill va-*
8 *cancies, the election at which any such officer is finally elected.*

9 *[(b) “Primary election” means the election held on the first*
10 *Tuesday following the fourth Monday in August of even-numbered*
11 *years, the election held five weeks preceding the election on the first*
12 *Tuesday in April, and any other preliminary election at which part*
13 *of the candidates for special election to any national, state, county,*
14 *township, city or school office are eliminated by the process of the*
15 *election but at which no officer is finally elected.*

16 *[Sec. 11. K.S.A. 25-3901 is hereby amended to read as follows:*
17 *25-3901. As used in this act, unless the context otherwise requires,*
18 *the words and terms defined in article 25 of chapter 25 of Kansas*
19 *Statutes Annotated shall have the meaning therein ascribed thereto,*
20 *to the extent that the same are not in conflict with the following:*

21 *[(a) “District office” means the office of district judge, district*
22 *magistrate judge, county commissioner, state representative, state*
23 *senator, district attorney or county attorney.*

24 *[(b) “Party” means a political party having a state and national*
25 *organization and of which the officer or candidate whose position*
26 *has become vacant was a member.*

27 *[(c) “Party candidacy” means a candidate of a political party*
28 *for a party nomination at a primary election or the party candidate*
29 *at a general election.*

30 *[(d) “General election” means the election held on the Tuesday*
31 *succeeding the first Monday in November in even-numbered years.*

32 *[(e) “Primary election” means the election held on the first*
33 *Tuesday following the fourth Monday in August in even-numbered*
34 *years.*

35 *[(f) “County chairman” or “county chairperson” means the*
36 *chairperson of the county central committee, provided to be elected*
37 *under K.S.A. 25-3802 and amendments thereto, of the political*
38 *party of which the officer or candidate whose position has become*
39 *vacant was a member.*

40 *[Sec. 12. K.S.A. 2002 Supp. 25-4005 is hereby amended to read*
41 *as follows: 25-4005. The nomination papers or petitions as men-*
42 *tioned in K.S.A. 25-4004, and amendments thereto, shall be in sub-*
43 *stantially the following form:*

1 *[I, the undersigned, an elector of the county of _____, and state of Kansas,*
 2 *and a duly registered voter and a member of the _____ party, hereby nomi-*
 3 *nate*

4 *[(Here insert name and city)*

5 *[and state of Kansas as a candidate for the office of governor, and running with such*
 6 *candidate _____*

7 *[(Here insert name and city)*

8 *[and state of Kansas as a candidate for the office of lieutenant governor to be voted*
 9 *for at the primary to be held on the first Tuesday after the fourth Monday in August*
 10 *in _____, as representing the principles of such party; and I further declare*
 11 *that I intend to support the candidates herein named and that I have not signed and*
 12 *will not sign any petition or nomination paper for any other persons, for such offices*
 13 *at the next ensuing election.*

14 *[(HEADING)*

<i>[Name of</i>	<i>Street Number</i>	<i>Name of</i>	<i>Date of</i>
<i>[Signers</i>	<i>or RR</i>	<i>City</i>	<i>Signing</i>
<i>(as Registered)</i>			

18 *[All nomination papers shall have substantially the foregoing*
 19 *form, written or printed at the top thereof. No signature shall be*
 20 *counted unless it is upon a sheet having such written or printed*
 21 *form at the top thereof.*

22 *[Each signer of a nomination paper shall sign but one such paper*
 23 *for governor and lieutenant governor, and shall declare that such*
 24 *signer intends to support the candidates therein named, and shall*
 25 *add to the signer's signature the signer's residence, if in a city, by*
 26 *street and number (if any); or, otherwise by address as shown on*
 27 *such signer's registration. No signature shall be counted unless the*
 28 *place of residence of the signer is clearly indicated and the date of*
 29 *signing given as herein required and if ditto marks are used to in-*
 30 *diccate address they shall be continuous and clearly made. Such*
 31 *sheets shall not be cut or pasted together.*

32 *[All signers of each separate nomination paper shall reside in the*
 33 *same county. The affidavit of a petition circulator who is a resident*
 34 *of the state of Kansas and has the qualifications of an elector of the*
 35 *state of Kansas shall be appended to each such nomination paper,*
 36 *stating that to the best of such petition circulator's knowledge and*
 37 *belief, all the signers thereof are qualified electors of that county;*
 38 *that the petition circulator knows that they signed the same with*
 39 *full knowledge of the contents thereof; that their respective resi-*
 40 *dences are correctly stated therein; that each signer signed the same*
 41 *on the date stated opposite such signer's name, and that the affiant*
 42 *intends to support the candidates therein named. Such affidavit*
 43 *shall be prima facie evidence of the facts therein stated.*

1 *[Such nomination papers shall be signed by not less than 1% of*
2 *the total vote of the party designated in the state. The basis of the*
3 *percentage shall be the vote of the party for secretary of state at*
4 *the last preceding general election of secretary of state; or, in case*
5 *of a new party, the basis of a percentage shall be the vote cast for*
6 *the successful candidate for secretary of state at the last preceding*
7 *general election of secretary of state.*

8 *[Sec. 13. K.S.A. 25-306b is hereby amended to read as follows:*
9 *25-306b. (a) Except as provided by this section, no person who has*
10 *been nominated by any means for any national, state, county or*
11 *township office may cause such person's name to be withdrawn from*
12 *nomination after the day of the primary election.*

13 *[(b) Any person who has been nominated by any means for any*
14 *national, state, county or township office who declares that they are*
15 *incapable of fulfilling the duties of office if elected may cause such*
16 *person's name to be withdrawn from nomination by a request in*
17 *writing, signed by the person and acknowledged before an officer*
18 *qualified to take acknowledgments of deeds. Any such request shall*
19 *be filed with the secretary of state in the case of national and state*
20 *offices and with the county election officer in the case of county and*
21 *township offices. Except as provided in subsection (d), in In the case*
22 *of national and state offices, any such request shall be filed within*
23 *seven three days, including Saturdays, Sundays and holidays, after*
24 *the meeting of the state board of canvassers for the final canvass of*
25 *primary election provided for in K.S.A. 25-3205, and amendments*
26 *thereto. Except as provided in subsection (d), in In the case of county*
27 *and township offices, any such request shall be filed within 10 days*
28 *after the meeting of the county board of canvassers to canvass the*
29 *primary election as provided in K.S.A. 25-3104, and amendments*
30 *thereto. No name withdrawn as provided in this section shall be*
31 *printed on the ballots for such office for the general election.*

32 *[(c) In the case of the death of a person who has been nominated*
33 *for any national, state, county or township office, the county chair-*
34 *person of the political party of which such nominee was a member*
35 *may cause such nominee's name to be withdrawn from nomination*
36 *by a request in writing, signed by the chairperson and acknowl-*
37 *edged before an officer qualified to take acknowledgements of*
38 *deeds. Any such request shall be filed with the secretary of state in*
39 *the case of national and state offices and with the county election*
40 *officer in the case of county and township offices. Except as provided*
41 *in subsection (d), in In the case of national and state offices, any such*
42 *request shall be filed within seven days, including Saturdays, Sun-*
43 *days and holidays, after the meeting of the state board of canvassers*

1 *for the final canvass of primary election provided for in K.S.A. 25-*
2 *3205, and amendments thereto. Except as provided in subsection (d),*
3 *in the case of county and township offices, any such request shall*
4 *be filed within 10 days after the meeting of the county board of*
5 *canvassers to canvass the primary election as provided in K.S.A. 25-*
6 *3104, and amendments thereto. No name withdrawn as provided in*
7 *this section shall be printed on the ballots for such office for the*
8 *general election.*

9 ~~[(d) Whenever there has been a vacancy which occurred from a with-~~
10 ~~drawal under this section, and such vacancy was filled according to law,~~
11 ~~the person filling the vacancy may cause such person's name to be with-~~
12 ~~drawn from nomination in the manner provided in subsection (b) or (c)~~
13 ~~of this section at any time prior to the 40th day before the general elec-~~
14 ~~tion.~~

15 *[Sec. 14. K.S.A. 25-1220 is hereby amended to read as follows:*
16 *25-1220. The county election officers of the various counties shall*
17 *transmit to every person who is eligible to vote by federal services*
18 *absentee ballot who makes application to vote in accordance with*
19 *K.S.A. 25-1216 and amendments thereto an official federal services*
20 *absentee ballot and ballot envelope, voting instructions and an en-*
21 *velope for use in returning the official federal services absentee bal-*
22 *lot and ballot envelope. If the application is made 45 30 or more*
23 *days before the day of the election, such ballot, instructions and*
24 *envelopes shall be sent as soon as practicable, but not later than 45*
25 *30 days before the election.*

26 *[Sec. 15. K.S.A. 25-3205 is hereby amended to read as follows:*
27 *25-3205. The state board of canvassers shall be the board of can-*
28 *vassers for the final canvass of the primary election of national and*
29 *state officers. Provisions of law relating to the canvass of the na-*
30 *tional and state general elections shall, as far as applicable, apply*
31 *to the canvass and certification of the secretary of state of such*
32 *primary elections. The state board of canvassers shall meet at the*
33 *office of the secretary of state on the call of the secretary of state*
34 *as soon as convenient after the tabulation of the returns is made.*
35 *The meeting shall be called not later than September 1 the fourth*
36 *Tuesday next following such election, except when such date falls on*
37 *Sunday, then not later than the next following day which is not a*
38 *legal holiday, and may recess from time to time until the final can-*
39 *vass is completed.*

40 *[As soon as such final canvass of the primary election shall be*
41 *completed, the secretary of state shall publish in the Kansas register*
42 *a certified statement of the candidates for the presidential electors,*
43 *United States senator, representatives in congress and all state of-*

1 **ficers or so many of such officers as may have been voted for at such**
2 **election. On the fourth day As soon as practicable after the completion**
3 **of such final canvass or as soon as practicable thereafter, the secretary**
4 **of state shall mail to each candidate found by the state board of**
5 **canvassers to be duly nominated a certificate of nomination, show-**
6 **ing the name of the candidate, the party by whom nominated and**
7 **the office for which the candidate is nominated as specified in the**
8 **nomination papers and determined by the state board of canvassers.**

9 **[Sec. 16. K.S.A. 25-3904 is hereby amended to read as follows:**
10 **25-3904. (a) When a district convention is provided by law to be**
11 **held to elect a person to fill a vacancy in a party candidacy for a**
12 **district office, the county chairperson designated in subsection (b)**
13 **or (c), within ~~21 days~~ 10 days, including Saturdays, Sundays and holi-**
14 **days, of the receipt of the notice that the vacancy has occurred or**
15 **will occur shall call and convene a convention of all committeemen**
16 **and committeewomen of the political party from the precincts in**
17 **such district. If such county chairperson is absent or for any reason**
18 **is unable to call, or refuses to call such convention, then the cor-**
19 **responding county vice-chairperson shall call the convention and**
20 **perform the other duties under this section required of such chair-**
21 **person.**

22 **[(b) If the district lies within a single county, the county chair-**
23 **person of such county shall call the convention by mailing a notice**
24 **at least seven days before the date of the convention to the com-**
25 **mitteemen and committeewomen in such county who are entitled to**
26 **vote at such convention pursuant to subsection (e).**

27 **[(c) If all or part of more than one county lies within the district,**
28 **the county chairperson of the county in which the greatest number**
29 **of qualified voters of the district reside shall call the convention by**
30 **mailing a notice of such convention to each county chairperson of**
31 **the party in each such county, at least ~~10~~ seven days before the date**
32 **of the convention. Such convention shall be held at a location within**
33 **the district selected by the chairperson calling the convention. Such**
34 **county chairpersons shall, within three days after receipt of such**
35 **notice, mail notice of such convention to the committeemen and**
36 **committeewomen in their counties who are entitled to vote at such**
37 **convention pursuant to subsection (e).**

38 **[(d) The notice of such convention shall state: (1) The place**
39 **where the convention is to be held; (2) the time when the convention**
40 **will convene; and (3) the purpose for which the convention is to be**
41 **held.**

42 **[(e) At the time and place fixed for holding the convention, the**
43 **county chairperson who called the convention shall act as tempo-**

1 *rary chairperson and shall call the convention to order. One-third*
2 *of the eligible members of the convention shall constitute a quorum*
3 *for such election. In the event a quorum is not present at the time*
4 *and place that such convention is called, the members present shall*
5 *adjourn the convention to a day and time certain, which shall not*
6 *be later than ~~14~~ three days after such adjournment of such conven-*
7 *tion, and provide for notification of the time and place of such ad-*
8 *journing convention to be given to the eligible members not present.*
9 *The convention shall organize by electing a permanent chairperson*
10 *and such other officers as necessary. After the convention is organ-*
11 *ized, it shall elect a person to fill such vacancy in the party candi-*
12 *dacy. Such election shall be by secret ballot and the person elected*
13 *shall be the one who receives the majority of all the votes cast. If*
14 *no person receives a majority of all votes cast on any ballot, the*
15 *balloting shall continue until some person receives a majority of all*
16 *the votes cast. Each committeeman and committeewoman of the*
17 *party of the precincts in such district shall be entitled to vote. No*
18 *precinct committeeman or committeewoman shall be represented*
19 *or shall vote by proxy. The convention may adopt rules as necessary*
20 *to govern its procedure in making nominations, voting, counting*
21 *and canvassing votes and for the conduct of any business which may*
22 *properly be brought before the convention, but such rules shall not*
23 *be in conflict with the provisions of this section.*

24 *[(f) After a person has been elected to fill a vacancy in a party*
25 *candidacy for a district office, the chairperson or vice-chairperson*
26 *of the convention shall execute a certificate, under oath, stating that*
27 *such person has been duly elected to fill such vacancy and shall*
28 *transmit such certificate to the secretary of state or appropriate*
29 *county election officer.*

30 *[Sec. 17. K.S.A. 25-3904a is hereby amended to read as follows:*
31 *25-3904a. (a) When a vacancy occurs in a party candidacy for the*
32 *office of member of the state board of education, the county chair-*
33 *person designated in subsection (b), (c) or (d), within ~~21~~ days 10*
34 *days, including Saturdays, Sundays and holidays, of receipt of notice*
35 *that the vacancy has occurred or will occur, shall call and convene*
36 *a district convention for the purpose of electing a person to fill such*
37 *vacancy. If such county chairperson is absent or for any reason is*
38 *unable to call or refuses to call such convention, then the county*
39 *vice-chairperson shall call the convention and perform the other*
40 *duties required of such chairperson under this section.*

41 *[(b) If the board member district lies within a single county, the*
42 *county chairperson of such county shall call a convention of all*
43 *precinct committeemen and committeewomen of the party of the*

1 *precincts in such district in the manner provided by subsections (b)*
2 *and (d) of K.S.A. 25-3904 and amendments thereto, and such con-*
3 *vention shall be conducted in the manner provided in subsection*
4 *(e) of K.S.A. 25-3904 and amendments thereto.*

5 *[(c) If all or part of more than one and less than five counties*
6 *lie within the board member district, the county chairperson of the*
7 *county in which the greatest number of qualified voters of the dis-*
8 *trict reside shall call a convention of all precinct committeemen and*
9 *committeewomen of the party of the precincts in such district in the*
10 *manner provided by subsections (c) and (d) of K.S.A. 25-3904 and*
11 *amendments thereto, and such convention shall be conducted as*
12 *provided in subsection (e) of K.S.A. 25-3904 and amendments*
13 *thereto. Such convention shall be held at a location within the dis-*
14 *trict selected by the chairperson calling the convention.*

15 *[(d) If all or part of five or more counties lie within the board*
16 *member district, the county chairperson of the county in which the*
17 *greatest number of qualified voters of the district reside shall call*
18 *a convention of all county chairpersons and vice-chairpersons of*
19 *the party of the counties in such district. Such convention shall be*
20 *held at a location within the district selected by the chairperson*
21 *calling the convention. Such county chairperson shall call the con-*
22 *vention by mailing a notice to each such county chairperson and*
23 *vice-chairperson at least seven days before the date of the conven-*
24 *tion. Such notice shall state: (1) The place where the convention is*
25 *to be held; (2) the time when the convention will convene; and (3)*
26 *the purpose for which the convention is to be held.*

27 *[At the time and place fixed for holding the convention, the county*
28 *chairperson who called the convention shall act as temporary chair-*
29 *person and shall call the convention to order. One-third of the eli-*
30 *gible members of the convention shall constitute a quorum for such*
31 *election. In the event a quorum is not present at the time and place*
32 *that such convention is called, the members present shall adjourn*
33 *the convention to a day and time certain, which shall be not later*
34 *than ~~14~~ three days after such adjournment of such convention and*
35 *provide for notification of the time and place of such adjourned*
36 *convention to be given to the eligible members not present. The*
37 *convention shall proceed to organize by electing a permanent chair-*
38 *person and such other officers as necessary. After the convention is*
39 *organized, it shall proceed to elect a person to fill the vacancy in*
40 *the party candidacy. Such election shall be by secret ballot and the*
41 *person elected shall be the one who shall receive the majority of all*
42 *the votes cast. If no person receives a majority of all votes cast on*
43 *any ballot, the balloting shall continue until some person receives*

1 *a majority of all the votes cast. Each county chairperson and vice-*
2 *chairperson of the party of the counties in such district shall be*
3 *entitled to vote. No county chairperson or vice-chairperson shall be*
4 *represented or shall vote by proxy. The convention may adopt rules*
5 *necessary to govern its procedure in making nominations, voting,*
6 *counting and canvassing votes and for the conduct of any business*
7 *which may properly be brought before the convention, but such*
8 *rules shall not be in conflict with the provisions of this section.*

9 *[After a person has been elected to fill a vacancy in a party candi-*
10 *didacy for the office of member of the state board of education, the*
11 *chairperson or vice-chairperson of the convention shall execute a*
12 *certificate, under oath, stating that such person has been duly*
13 *elected to fill such vacancy and shall transmit such certificate to*
14 *the secretary of state.*

15 *[Sec. 18. K.S.A. 25-3905 is hereby amended to read as follows:*
16 *25-3905. (a) When a vacancy occurs after a primary election in a*
17 *party candidacy, such vacancy shall be filled by the party commit-*
18 *tee of the congressional district, county or state, as the case may*
19 *be, except if the vacancy is in a party candidacy for a district office*
20 *or for the office of member of the state board of education, it shall*
21 *be filled by district convention held as provided in K.S.A. 25-3904*
22 *and amendments thereto, or as provided in K.S.A. 25-3904a and*
23 *amendments thereto, and except as otherwise provided in subsec-*
24 *tion (c). Such convention shall be called within 10 days, including*
25 *Saturdays, Sundays and holidays, of receipt of the notice that the va-*
26 *vacancy has occurred or will occur. If only one political party nomi-*
27 *nates a candidate at the primary election and thereafter a vacancy*
28 *occurs in such party candidacy, any political party may fill such*
29 *vacancy in the manner specified in this section.*

30 *[(b) In addition to other vacancies in party candidacies to*
31 *which this section applies, this section shall also apply when a va-*
32 *cancy occurs in an office, and it is provided by law that such va-*
33 *cancy shall be filled by appointment until the next general election*
34 *at which time a person is to be elected to fill the unexpired term, or*
35 *words of like effect, and such vacancy occurs after the primary elec-*
36 *tion.*

37 *[(c) When a vacancy occurs after a primary election in a party*
38 *candidacy for governor or lieutenant governor, a vacancy shall*
39 *thereby also occur for the other of such two offices. Such vacancies*
40 *shall be filled by a state party delegate convention. The convention*
41 *shall be called by the state party chairperson. The delegates to the*
42 *convention shall be the state party committee members, and the*
43 *officers of the convention shall be the officers of the state party*

1 *committee. At such convention the vote to fill such vacancies shall*
2 *be taken such that each convention vote shall be for a candidate for*
3 *governor and lieutenant governor running together. If the initial*
4 *vacancy that has occurred is for the office of lieutenant governor,*
5 *the person who is the candidate for governor of such pair of can-*
6 *didates shall be the only governor candidate at such convention.]*

7 Sec. ~~3~~ [19]. K.S.A. [12-1254, 25-203, 25-306b, 25-1115, 25-
8 1220, 25-2102, 25-2502, 25-3205, 25-3901, 25-3904, 25-3904a, 25-
9 3905,] 25-4501 and 25-4505 [and K.S.A. 2002 Supp. 25-205, 25-302a,
10 25-1122 and 25-4005] are hereby repealed.

11 Sec. 4 [20]. This act shall take effect and be in force from and after
12 its publication in the statute book.

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