

SENATE BILL No. 190

By Committee on Education

2-10

AN ACT concerning the state board of education; relating to the members thereof; amending K.S.A. 25-101, 25-202, 25-1903, 25-1906, 25-3903, 25-3905, 25-3906 and 72-7504 and repealing the existing sections; also repealing K.S.A. 25-3902a and 25-3904a.

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

New Section 1. (a) Elections of members to the state board of education shall be nonpartisan. Laws applicable only to partisan elections shall not apply to elections of members to the state board of education. All laws applicable to elections, the violation of which is a crime, shall be applicable to elections of members to the state board of education.

(b) Except as provided in subsection (a), laws applicable to elections of state officers shall apply to elections of members to the state board of education to the extent that the same are not in conflict with the provisions of this act.

New Sec. 2. (a) "General election" means the election held on the first Tuesday in April in any odd-numbered year.

(b) "Primary election" means the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to the state board of education are eliminated by the process of the election but at which no officer is finally elected.

(c) "Filing deadline" means 12:00 o'clock noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of any odd-numbered year.

New Sec. 3. (a) No primary election of members of the state board of education shall be held unless by holding such primary one or more persons will be eliminated as candidates for office. In the event there are not more than two candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot.

(b) The names of the two candidates receiving the greatest number of votes for any board member position at the primary election shall appear on the ballots in the general election.

1 (c) No ballot in a primary election shall have names for any board
2 member position unless more than two candidates have filed for such
3 position.

4 (d) On the ballots in general elections, blank lines for the name of
5 write-in candidates shall be printed at the end of the list of candidates
6 for office. The purpose of such blank lines shall be to permit the voter to
7 insert the name of any person not printed on the ballot for whom such
8 voter desires to vote for such office. No blank lines for write-in candidates
9 shall appear on primary election ballots.

10 (e) Names of candidates appearing on the ballots in primary and gen-
11 eral elections of members to the state board of education shall be listed
12 in the various possible orders in rotation.

13 New Sec. 4. The members of the state board of education shall fill
14 by appointment any vacancy which occurs on the board. When a vacancy
15 occurs, the board shall publish a notice one time in the Kansas register
16 stating that the vacancy has occurred and that it will be filled by appoint-
17 ment by the board not sooner than 15 days after such publication. If the
18 vacancy occurs on or after May 1 of the second year of the term, the
19 person so appointed shall serve for the remainder of the unexpired term
20 and until a successor is elected and qualifies. If the vacancy occurs before
21 May 1 of the second year of the term, the person appointed to fill the
22 vacancy shall serve until a successor is elected and qualifies at the next
23 general election to serve the remainder of the unexpired term. The elec-
24 tion of such successor shall be in the same manner as election of a mem-
25 ber of the board for a regular term.

26 At such election, the ballots or ballot labels and returns of election with
27 respect to such office shall be designated as follows: "To fill the unexpired
28 term."

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

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

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

40 at each such election there shall be elected the representatives in con-
41 gress to which the state may be entitled at the time of such election;

42 at each alternate election, prior to the year in which their regular terms
43 of office will expire, there shall be elected a governor, lieutenant gover-

1 nor, secretary of state, attorney general, state treasurer and state com-
2 missioner of insurance;

3 ~~at each such election there shall be elected such members of the state~~
4 ~~board of education as provided by law;~~

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

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

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

18 at each election there shall be elected a representative from each state
19 representative district;

20 at each alternate election there shall be elected, in each county, a
21 county clerk, county treasurer, register of deeds, county or district attor-
22 ney, sheriff and such other officers as provided by law; *and*

23 ~~at each alternate election, in counties that may by law be entitled to~~
24 ~~elect such officer, there shall be elected a county surveyor;~~

25 at each election, when the term of county commissioner in any district
26 in any county shall expire during the next year, there shall be elected from
27 such district a county commissioner.

28 This section shall apply to the filling of vacancies only so far as is con-
29 sistent with the provisions of law relating thereto.

30 Sec. 6. K.S.A. 25-202 is hereby amended to read as follows: 25-202.

31 (a) Except as otherwise provided ~~in subsection (b)~~ *by this section*, all
32 candidates for national, state, county and township offices shall be nomi-
33 nated by: (1) A primary election held in accordance with article 2 of
34 chapter 25 of the Kansas Statutes Annotated and amendments thereto;
35 or (2) independent nomination petitions signed and filed as provided by
36 existing statutes.

37 (b) Candidates for any of such offices who are members of any po-
38 litical party whose candidate for governor did not poll at least 5% of the
39 total vote cast for all candidates for governor in the preceding general
40 election shall not be entitled to nomination by primary election but shall
41 be nominated by a delegate or mass convention according to article 3 of
42 chapter 25 of the Kansas Statutes Annotated and amendments thereto.

43 (c) No candidate for any national, state, county or township office

1 shall file for office as a partisan candidate in a primary election and also
2 file for office as an independent candidate for any national, state, county
3 or township office in the general election immediately following.

4 (d) The provisions of article 2 of chapter 25 of the Kansas Statutes
5 Annotated and amendments thereto shall not apply to the justices of the
6 supreme court or to judges of the district court in judicial districts which
7 have approved the proposition of nonpartisan selection of district court
8 judges, as provided in K.S.A. 20-2901 and amendments thereto, nor to
9 special elections to fill vacancies.

10 (e) *The provisions of law relating to partisan primary elections shall*
11 *not apply to the election of members of the state board of education.*

12 Sec. 7. K.S.A. 25-1903 is hereby amended to read as follows: 25-
13 1903. ~~(a)~~ A person may become a candidate for election to the office of
14 state board member by either one of the methods provided in this section:
15 ~~(1)~~:

16 (a) Any person who is an elector of any board member district may
17 petition to be a candidate for member of the state board from the board
18 member district in which such person resides. Any such person shall file
19 with the secretary of state a petition for the candidacy of such person
20 signed by not less than 200 electors residing in such board member dis-
21 trict. ~~(2)~~

22 (b) Any person who is an elector of any board member district may
23 become a candidate for member of the state board from the board mem-
24 ber district in which such candidate resides by filing in the office of the
25 secretary of state a declaration of intent to be such a candidate and pay-
26 ment of a filing fee in the amount of \$25.

27 ~~(b) Any such petition or declaration of intent filed by a candidate to~~
28 ~~run in the primary election held in accordance with K.S.A. 25-203, and~~
29 ~~amendments thereto, shall be filed no later than 12:00 noon, June 10,~~
30 ~~prior to such primary election, or if such date falls on Saturday, Sunday~~
31 ~~or a holiday, then before 12:00 noon of the next following day that is not~~
32 ~~a Saturday, Sunday or a holiday. Any such petition or declaration of intent~~
33 ~~filed by an independent candidate for the office of state board member~~
34 ~~shall be filed no later than 12:00 noon on the Monday preceding the date~~
35 ~~fixed for the holding of primary elections in accordance with K.S.A. 25-~~
36 ~~203, and amendments thereto.~~

37 Sec. 8. K.S.A. 25-1906 is hereby amended to read as follows: 25-
38 1906. (a) *Except as provided by this section*, the regular term of office of
39 members of the state board shall be four ~~(4)~~ years. Regular terms shall
40 commence on ~~the second Monday in January~~ *May 1* following election
41 of the state board member.

42 (b) Of the members of the state board elected in the year 1968, five
43 ~~(5)~~ shall have terms ending on the second Monday in January in 1971,

1 and five ~~(5)~~ shall have terms ending on the second Monday in January in
2 1973. Members elected to board member positions 1, 3, 5, 7 and 9 shall
3 have the shorter terms and members elected to board member positions
4 2, 4, 6, 8 and 10 shall have the longer terms.

5 ~~(e) Any member elected subsequent to 1968 shall be elected for a~~
6 ~~four-year term, unless such election is to fill the unexpired term where a~~
7 ~~vacancy has occurred on the board, in which case the member shall be~~
8 ~~elected for the two (2) years remaining of the unexpired term.~~

9 ~~(d) Members appointed to fill a vacancy in a board member position~~
10 ~~shall serve from time of appointment until the second Monday in January~~
11 ~~next following the election of a member to that board member position.~~

12 *(c) The terms of members of the state board elected in the year 2000*
13 *shall hold office until May 1, 2004, or as soon thereafter as a successor is*
14 *elected, or appointed and qualifies.*

15 *The terms of members of the state board of education elected in the*
16 *year 2002 shall hold office until May 1, 2006, or as soon thereafter as a*
17 *successor is elected, or appointed and qualifies.*

18 Sec. 9. K.S.A. 25-3903 is hereby amended to read as follows: 25-
19 3903. Whenever a vacancy occurs in the office of state representative or
20 state senator such vacancy shall be filled by appointment by the governor
21 of the person elected to be so appointed by a district convention held as
22 provided in K.S.A. 25-3902, *and amendments thereto*. Whenever a va-
23 cancy occurs in the office of member of the state board of education,
24 such vacancy shall be filled in the manner provided for in ~~K.S.A. 25-3902a~~
25 *section 4, and amendments thereto*.

26 Sec. 10. K.S.A. 25-3905 is hereby amended to read as follows: 25-
27 3905. (a) When a vacancy occurs after a primary election in a party candi-
28 dacy, such vacancy shall be filled by the party committee of the con-
29 gressional district, county or state, as the case may be, except if the
30 vacancy is in a party candidacy for a district office ~~or for the office of~~
31 ~~member of the state board of education~~, it shall be filled by district con-
32 vention held as provided in K.S.A. 25-3904, and amendments thereto, ~~or~~
33 ~~as provided in K.S.A. 25-3904a and amendments thereto~~, and except as
34 otherwise provided in subsection ~~(e)~~ (d). Such convention shall be called
35 within 10 days of receipt of the notice that the vacancy has occurred or
36 will occur. If only one political party nominates a candidate at the primary
37 election and thereafter a vacancy occurs in such party candidacy, any
38 political party may fill such vacancy in the manner specified in this section.

39 *(b) When a vacancy in a candidacy for the office of member of the*
40 *state board of education occurs after a primary election, such vacancy*
41 *shall be filled by the members of the state board of education as provided*
42 *by section 4, and amendments thereto.*

43 ~~(b)~~ (c) In addition to other vacancies in party candidacies to which

1 this section applies, this section ~~shall~~ also *shall* apply when a vacancy
2 occurs in an office, and it is provided by law that such vacancy shall be
3 filled by appointment until the next general election at which time a
4 person is to be elected to fill the unexpired term, or words of like effect,
5 and such vacancy occurs after the primary election.

6 ~~(e)~~ (d) When a vacancy occurs after a primary election in a party
7 candidacy for governor or lieutenant governor, a vacancy ~~shall thereby~~
8 also *shall* occur for the other of such two offices. Such vacancies shall be
9 filled by a state party delegate convention. The convention shall be called
10 by the state party chairperson. The delegates to the convention shall be
11 the state party committee members, and the officers of the convention
12 shall be the officers of the state party committee. At such convention the
13 vote to fill such vacancies shall be taken such that each convention vote
14 shall be for a candidate for governor and lieutenant governor running
15 together. If the initial vacancy that has occurred is for the office of lieuten-
16 ant governor, the person who is the candidate for governor of such
17 pair of candidates shall be the only governor candidate at such convention.

18 Sec. 11. K.S.A. 25-3906 is hereby amended to read as follows: 25-
19 3906. (a) When a vacancy in a party candidacy for any national, state,
20 district or county elective office occurs under the circumstances specified
21 in this section, such vacancy shall be filled by the party committee of the
22 congressional district, county or state, as the case may be, ~~except that~~. If
23 such vacancy is in a party candidacy for a district office ~~or for the office~~
24 ~~of member of the state board of education~~, it shall be filled by district
25 convention held as provided in K.S.A. 25-3904, and amendments thereto,
26 ~~or as provided in K.S.A. 25-3904a and amendments thereto~~, and except
27 as otherwise provided in ~~subsection (d) and (e)~~ *subsections (e) and (f)*.
28 Such convention shall be called within 10 days of notice that a vacancy
29 has occurred or will occur.

30 (b) *When a vacancy in a candidacy for the office of state board of*
31 *education occurs during the time specified in subsection (c), such vacancy*
32 *shall be filled by the members of the state board of education as provided*
33 *by section 4, and amendments thereto.*

34 ~~(b)~~ (c) This section shall apply to any vacancy in a party candidacy
35 which occurs after the closing time for filing to be a candidate specified
36 in K.S.A. 25-205, and amendments thereto, and prior to or on the day of
37 the primary election, if such occurrence results in a political party not
38 having a primary candidate for such office.

39 ~~(e)~~ (d) This section shall apply when a vacancy occurs in an office,
40 and it is provided by law that such vacancy shall be filled by appointment
41 until the next general election at which time a person is to be elected to
42 fill the unexpired term, or words of like effect, and such vacancy occurs
43 during the period specified in subsection ~~(b)~~ (c).

1 ~~(d)~~ (e) When a vacancy occurs during the period specified in subsection
2 ~~(b)~~ (c) in a party candidacy for governor or lieutenant governor, and
3 the occurrence results in a political party not having a pair of primary
4 candidates for governor and lieutenant governor, a vacancy ~~shall thereby~~
5 also *shall* occur for the other of such two offices. Such vacancies shall be
6 filled by a state party delegate convention. The convention shall be called
7 by the state party chairperson. The delegates to the convention shall be
8 the state party committee members, and the officers of the convention
9 shall be the officers of the state party committee. At such convention the
10 vote to fill such vacancies shall be taken such that each convention vote
11 shall be for a candidate for governor and lieutenant governor running
12 together. If the initial vacancy that has occurred is for the office of lieuten-
13 ant governor, the person who is the candidate for governor of such
14 pair of candidates shall be the only governor candidate at such convention.

15 ~~(e)~~ (f) When there is more than one pair of candidates for governor
16 and lieutenant governor of the same party, and a vacancy occurs during
17 the period specified in subsection ~~(b)~~ (c) in a candidacy for lieutenant
18 governor of such party, and the occurrence results in a governor candidate
19 not having a lieutenant governor candidate, such vacancy shall be filled
20 by the candidate for governor of such pair of candidates designating a
21 candidate for lieutenant governor to be the running mate.

22 Sec. 12. K.S.A. 72-7504 is hereby amended to read as follows: 72-
23 7504. (a) Whenever a vacancy occurs in any board member position, such
24 vacancy shall be filled in the manner provided in ~~K.S.A. 25-3902a~~ *section*
25 4, and amendments thereto.

26 (b) A vacancy occurs in a board member position under any of the
27 following circumstances:

- 28 (1) Death of a board member, on the date of death.
29 (2) Removal of a board member, on the date the removal order is
30 final, or if appealed to the court, on the date the court action becomes
31 final.
32 (3) By written notice of resignation of a member filed with the state
33 board, on the date specified in the notice of resignation, which shall be
34 not later than 60 days after such notice of resignation is filed. The member
35 resigning from the board also shall send a copy of the notice of resignation
36 to the secretary of state.

37 (c) In the event that any board member changes residence outside
38 of the district from which elected, such member promptly shall resign
39 from the state board. If such a member fails to resign such member shall
40 be subject to removal from office as provided by law. Any redistricting of
41 board member districts which results in a board member residing outside
42 of the board member district shall not be grounds for removal and shall
43 not disqualify such member from service on the state board for the re-

1 remainder of the term for which the member was elected or appointed.

2 Sec. 13. K.S.A. 25-101, 25-202, 25-1903, 25-1906, 25-3902a, 25-
3 3903, 25-3904a, 25-3905, 25-3906 and 72-7504 are hereby repealed.

4 Sec. 14. This act shall take effect and be in force from and after its
5 publication in the statute book.

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