

1 **As Amended by House Committee**

2 *Session of 2003*

3
4 **SENATE BILL No. 95**

5
6 By Committee on Elections and Local Government

7
8 1-29

9
10 AN ACT concerning elections; relating to names of political parties; **re-**
11 **lating to the presidential primary;** amending K.S.A. 25-304, **25-**
12 **4501, 25-4505** and K.S.A. 2002 Supp. 25-302a and repealing the ex-
13 isting sections; ~~also repealing K.S.A. 25-116 and 25-117.~~

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2002 Supp. 25-302a is hereby amended to read as
17 follows: 25-302a. Any political party seeking official recognition in this
18 state after the effective date of this act shall file in its behalf, not later
19 than 12:00 noon, June 1, prior to the primary election held on the first
20 Tuesday of August in even-numbered years, or if such date falls on a
21 Saturday, Sunday or a holiday, then before 12:00 noon of the next follow-
22 ing day that is not a Saturday, Sunday or a holiday petitions signed by
23 qualified electors equal in number to at least 2% of the total vote cast for
24 all candidates for the office of governor in the state in the last preceding
25 general election. Such petitions shall declare support for the official rec-
26 ognition of a political party, the name of which shall be stated in the
27 declaration. No political party seeking official recognition shall assume a
28 name or designation which ~~is similar~~, in the opinion of the secretary of
29 state, *is unreasonably lengthy or so similar to that the name or designation*
30 of an existing *political* party as to confuse or mislead the voters at an
31 election.

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

34 PETITION SEEKING THE OFFICIAL RECOGNITION OF
35 THE _____ PARTY IN THE STATE OF KANSAS

36 I, the undersigned, hereby declare my support for the official recognition of the
37 _____ Party.

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

40 NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

41 Appended to each petition page or set of pages shall be an affidavit by
42 the circulator of the petition affirming that such circulator is a resident
43 of the state of Kansas and has the qualifications of an elector in Kansas

1 and that the circulator personally witnessed the signing of the petition by
2 each person whose name appears thereon. The affidavit shall be executed
3 before a person authorized to administer oaths and include the address
4 of the circulator.

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

12 The secretary of state shall transmit such petitions to the county elec-
13 tion officer of each county for which petitions were presented to be ex-
14 amined for sufficiency pursuant to the provisions of K.S.A. 25-3601 *et*
15 *seq.* and amendments thereto and applicable regulations. Not more than
16 20 days following receipt of such petitions from the secretary of state, the
17 county election officer shall return these documents to the secretary of
18 state certifying the number of sufficient signatures thereon. The secretary
19 of state shall gather all petitions and determine whether a sufficient num-
20 ber of signatures was submitted. The secretary of state shall forthwith
21 notify the person who submitted the declaration of intent to circulate
22 such petitions of the sufficiency or insufficiency of the number of signa-
23 tures.

24 Sec. 2. K.S.A. 25-304 is hereby amended to read as follows: 25-304.
25 All certificates of nomination shall be in writing, shall contain the name
26 of each person nominated, with such person's residence and the office
27 for which nominated. Party certificates of nomination shall designate ~~in~~
28 ~~not more than two words of which the word "party" shall be one, the~~
29 ~~political party which the convention, primary election or caucus making~~
30 ~~the nominations represented; as, for instance, "republican party," "dem-~~
31 ~~ocratic party," "people's party," "populist party," or "prohibition party";~~
32 ~~but a compound or hyphenated word shall not be used to designate the~~
33 ~~name of a political party within the meaning of this act.~~ When electors
34 for president and vice-president of the United States are nominated, the
35 names of the candidates for president and vice-president may also be
36 shown on the certificates. Independent nomination petitions for presi-
37 dential electors shall contain the names of each elector and the names of
38 the candidates for president and vice-president of the United States, to-
39 gether with the residence of each elector and candidate. The provisions
40 of this section shall not apply to city or school elections, nor to the election
41 of officers for which it is provided by law to be elected at the time of city
42 and school elections.

43 **Sec. 3. K.S.A. 25-4501 is hereby amended to read as follows:**

1 **25-4501. (a) Subject to the provisions of this section, there shall be**
2 **held a presidential preference primary election in the year ~~2004~~**
3 **2008, and every fourth year thereafter.**

4 **(b) On or before November ~~3, 2003~~ 1, 2007, and on or before**
5 **November 1 every fourth year thereafter, the secretary of state**
6 **shall certify to the governor, to the chief clerk of the house of**
7 **representatives and to the secretary of the senate a common date**
8 **in the next succeeding year on which at least five other states will**
9 **hold a presidential preference primary election, a delegate or mass**
10 **convention or a caucus of qualified voters at which delegates to a**
11 **national convention are selected. On or before each such date, if**
12 **the secretary of state determines that there is no common date on**
13 **which at least five states are conducting such a selection process**
14 **in the next succeeding year, the secretary of state shall certify to**
15 **the governor, the chief clerk of the house of representatives and**
16 **the secretary of the senate on a date, which shall be on or before**
17 **the first Tuesday in April of the next following year, on which the**
18 **presidential preference primary election shall be held.**

19 **(c) The date certified by the secretary of state pursuant to sub-**
20 **section (b) shall be the date on which the presidential preference**
21 **primary election authorized by subsection (a) shall be held in the**
22 **state of Kansas.**

23 **Sec. 4. K.S.A. 25-4505 is hereby amended to read as follows:**
24 **25-4505. The county board of canvassers of each county shall meet**
25 **at the office of the county election officer unless another place is**
26 **agreed upon and announced as provided in K.S.A. 25-3105, and**
27 **amendments thereto, at any time between 8:00 and 10:00 o'clock a.m.**
28 **on the Friday following the day a presidential preference primary**
29 **election is held and canvass the vote of such preference primary.**
30 *The county election officer may move the canvass to the Monday next*
31 *following the election if notice of such change is published prior to the*
32 *canvass in a newspaper of general circulation within the county. Upon*
33 **completion of such canvass, the county election officer of each**
34 **county shall prepare an abstract of the vote of the presidential**
35 **preference primary election in his or her county as such vote is**
36 **determined by the county board of canvassers and shall promptly**
37 **transmit the same to the secretary of state no later than the tenth**
38 **day after the day of the election. Each county election officer shall**
39 **also post a copy of such abstract in a public place in the courthouse**
40 **of his or her county.**

41 **Every such transmittal shall be made by first class mail or by a**
42 **messenger. If the secretary of state fails to receive the abstract of**
43 **the canvass from any county within ~~fourteen (14)~~ 14 days next after**

1 **the election, he or she shall dispatch a special messenger to obtain**
2 **a copy of the same, and the county election officer shall immedi-**
3 **ately, on demand of such messenger, make out and deliver to such**
4 **messenger the copy required. Thereupon, the messenger shall de-**
5 **liver such copy to the secretary of state, and the secretary of state**
6 **shall be reimbursed for the expenses of such messenger by such**
7 **county.**

8 Sec. ~~3~~ **5.** K.S.A. ~~25-116, 25-117 and 25-304~~ **25-304, 25-4501, 25-**
9 **4505** and K.S.A. 2002 Supp. 25-302a are hereby repealed.

10 Sec. ~~4~~ **6.** This act shall take effect and be in force from and after its
11 publication in the statute book.

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