

SENATE BILL No. 247

By Senator Betts

2-1

9 AN ACT concerning district court judges; relating to the nonpartisan
10 election thereof; amending K.S.A. 25-212 and 25-213 and K.S.A. 2006
11 Supp. 25-303 and repealing the existing sections.
12

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

14 New Section 1. (a) Notwithstanding any other provision of law, any
15 district court judge who is not selected on a nonpartisan basis in accord-
16 ance with K.S.A. 20-2901 et seq., and amendments thereto, shall be
17 elected on a nonpartisan basis in accordance this section.

18 (b) Nominations or declarations shall be filed in the manner pre-
19 scribed in section 4, and amendments thereto, except that no political
20 party affiliation shall be permitted.

21 (c) No primary election of a district court judge shall be held unless
22 by holding such primary one or more persons will be eliminated as can-
23 didates for such office. In the event there are not more than two candi-
24 dates for district court judge, the names of the candidates for such office
25 shall not appear on the primary election ballots, and there shall be no
26 primary election for such office, but the names of such candidates shall
27 be placed on the general election ballot.

28 (d) If there is a tie vote in the general election, the person elected as
29 district judge shall be determined by lot.

30 Sec. 2. K.S.A. 25-212 is hereby amended to read as follows: 25-212.
31 In case there are nomination petitions or declarations of intention to
32 become a candidate on file for more than one candidate or for more than
33 one pair of candidates for governor and lieutenant governor, of the same
34 party for any national or state office, the secretary of state shall divide the
35 state or appropriate part thereof, into as many divisions as there are names
36 to go on such party ballot for that office. Such divisions shall be as nearly
37 equal in number of members of such party as is convenient without di-
38 viding any one county. In making such division the secretary of state shall
39 take the alphabetical list of counties in regular order until the secretary
40 of state gets the required proportion of party members of such party
41 based upon the party affiliation lists as shown by the certificates of the
42 respective county election officers, and so on through the list of counties
43 until the secretary of state gets the proper proportion of party members

1 in each division. The secretary of state shall also take the alphabetical list
 2 of candidates or pairs of candidates in regular order and in certifying to
 3 the county election officer the list of names for whom nomination peti-
 4 tions or declarations of intent to become a candidate have been filed,
 5 shall place one name or pair of candidates at the head of the list in the
 6 first division of counties, another in the second division, and so on with
 7 all the candidates for any particular office, so that every candidate or pair
 8 of candidates for any office shall be at the head of the list in one division
 9 of the state and second in another division thereof, and so forth. When,
 10 in the case of candidates for the office of congressman, ~~district judge,~~
 11 district magistrate judge, state senator, state representative or state board
 12 of education member, the secretary of state finds that the secretary of
 13 state cannot get a fair proportion of party members to give each candidate
 14 for congressman, ~~district judge,~~ district magistrate judge, state senator,
 15 state representative or state board of education member in any given
 16 district an equitable or fair opportunity to have the candidate's name first
 17 on the ballot in the respective counties of the district, the secretary of
 18 state shall order the county election officers in the various counties of the
 19 district to rotate the names of the candidates for such district offices
 20 according to precinct. *Candidates for district judge shall be listed in a*
 21 *nonpartisan manner.* If voting machines are used the arrangement of
 22 names of candidates or pair of candidates for all offices on the voting
 23 machines shall be rotated, as near as may be, according to precinct.

24 The arrangement of the names certified by the secretary of state shall
 25 govern the county election officer in arranging the primary election ballot,
 26 and the county election officer in preparing the ballot for such officer's
 27 county shall follow the same arrangement as provided in this section for
 28 the secretary of state, for the candidates nominated for county offices,
 29 using the township and precincts of the county in making the division.

30 Sec. 3. K.S.A. 2006 Supp. 25-213 is hereby amended to read as fol-
 31 lows: 25-213. (a) At all national and state primary elections, the national
 32 and state offices as specified for each in this section shall be printed upon
 33 the official primary election ballot for national and state offices and the
 34 county and township offices as specified for each in this section shall be
 35 printed upon the official primary election ballot for county and township
 36 offices. The official primary election ballots shall have the following
 37 heading:

38 **OFFICIAL PRIMARY ELECTION BALLOT**

39 _____ Party

40 To vote for a person whose name is printed on the ballot make a cross
 41 or check mark in the square at the left of the person's name. To vote for
 42 a person whose name is not printed on the ballot, write the person's name
 43 in the blank space, if any is provided, and make a cross or check mark in

1 the square to the left.

2 The words national and state or the words county and township shall
3 appear on the line preceding the part of the form shown above.

4 (b) (1) The form shown shall be followed by the names of the persons
5 for whom nomination petitions or declarations have been filed according
6 to law for political parties having primary elections, and for the national
7 and state offices in the following order: United States senator, United
8 States representative from _____ district, governor and lieutenant gov-
9 ernor, secretary of state, attorney general, state treasurer, commissioner
10 of insurance, senator _____ district, representative _____ district, ~~district~~
11 ~~judge _____ district, district magistrate judge _____ district, district at-~~
12 ~~torney _____ judicial district, and member state board of education~~
13 ~~_____ district.~~ For county and township offices the form shall be followed
14 by the names of persons for whom nomination petitions or declarations
15 have been filed according to law for political parties having primary elec-
16 tions in the following order: commissioner _____ district, county clerk,
17 treasurer, register of deeds, county attorney, sheriff, township trustee,
18 township treasurer, township clerk.

19 (b) (2) *The form shall be followed by the names of the persons whose*
20 *nominations or declarations have been filed for primary elections for the*
21 *office of district judge in the following manner: District judge _____*
22 *district.*

23 (b) (3) When any office is not to be elected, it shall be omitted from
24 the ballot. Other offices to be elected but not listed, shall be inserted in
25 the proper places. For each office there shall be a statement of the num-
26 ber to vote for.

27 (c) To the left of each name there shall be printed a square. Official
28 primary election ballots may be printed in one or more columns. The
29 names certified by the secretary of state or county election officer shall
30 be printed on official primary election ballots and no others. In case there
31 are no nomination petitions or declarations on file for any particular of-
32 fice, the title to the office shall be printed on the ballot followed by a
33 blank line with a square, and such title, followed by a blank line, may be
34 printed in the list of candidates published in the official paper. No blank
35 line shall be printed following any office where there are nomination
36 petitions or declarations on file for the office except following the offices
37 of precinct committeeman and precinct committeewoman. Except as oth-
38 erwise provided in this section, no person's name shall be printed more
39 than once on either the official primary election ballot for national and
40 state offices or the official primary election ballot for county and township
41 offices. No name that is printed on the official primary election ballot as
42 a candidate of a political party shall be printed or written in as a candidate
43 for any office on the official primary election ballot of any other political

1 party. If a person is a candidate for the unexpired term for an office, the
2 person's name may be printed on the same ballot as a candidate for the
3 next regular term for such office. The name of any candidate on the ballot
4 may be printed on the same ballot as such candidate and also as a can-
5 didate for precinct committeeman or committeewoman. No name that is
6 printed on the official primary election ballot for national and state offices
7 shall be printed or written in elsewhere on such ballot or on the official
8 primary election ballot for county and township offices except for precinct
9 committeeman or committeewoman. No name that is printed on the of-
10 ficial primary election ballot for county and township offices shall be
11 printed or written in on the official primary election ballot for national
12 and state offices or elsewhere on such county and township ballot except
13 for precinct committeeman or committeewoman.

14 (d) No person shall be elected to the office of precinct committeeman
15 or precinct committeewoman where no nomination petitions or decla-
16 rations have been filed, unless the person receives at least five write-in
17 votes. As a result of a primary election, no person shall receive the nom-
18 ination and no person's name shall be printed on the official general
19 election ballot when no nomination petitions or declarations were filed,
20 unless the person receives votes equal in number to not less than 10% of
21 the electors who voted for the office of secretary of state at the last pre-
22 ceding general election for such office in the state, county or district in
23 which the office is sought, except that a candidate for township office may
24 receive the nomination and have such person's name printed on the ballot
25 where no nomination petitions or declarations have been filed if such
26 candidate receives three or more write-in votes. No such person shall be
27 required to obtain more than 5,000 votes.

28 Sec. 4. K.S.A. 2006 Supp. 25-303 is hereby amended to read as fol-
29 lows: 25-303. (a) This section shall not apply to city and school elections,
30 nor to election of other officers provided by law to be elected in April.

31 (b) All nominations other than party nominations shall be independ-
32 ent nominations. ~~No~~ *Except for persons nominated for the position of*
33 *district judge, no* person who has declared and retains a party affiliation
34 in accordance with K.S.A. 25-3301 and amendments thereto shall be el-
35 igible to accept an independent nomination for any office.

36 Independent nominations of candidates for any office to be filled by
37 the voters of the state at large may be made by nomination petitions
38 signed by not less than 5,000 qualified voters for each candidate and in
39 the case of governor and lieutenant governor for each pair of such
40 candidates.

41 (c) Independent nominations of candidates for offices to be filled by
42 the voters of a county, district or other division less than a state may be
43 made by nomination petitions signed by voters equal in number to not

1 less than 4% of the current total of qualified voters of such county, district
2 or other division as compiled by the office of the secretary of state in the
3 case of state offices and as compiled in the office of the county election
4 officer and certified to the secretary of state in accordance with K.S.A.
5 25-2311, and amendments thereto, in the case of local offices, and in no
6 case to be signed by less than 25 nor more than 5,000 qualified voters of
7 such county, district or division, for each candidate.

8 (d) Independent nominations of candidates for offices to be filled by
9 the voters of a township may be made by nomination papers signed by
10 not less than 5% of the current total of qualified voters of such township,
11 computed as above provided, for each candidate, and in no case to be
12 signed by less than 10 such voters of such township for each candidate.

13 (e) The signatures to such nomination petitions need not all be ap-
14 pended to one paper, but each registered voter signing an independent
15 certificate of nomination shall add to the signature such petitioner's place
16 of residence and post office address. All signers of each separate nomi-
17 nation petition shall reside in the same county and election district of the
18 office sought. The affidavit of the candidate or a petition circulator who
19 is a resident of the state of Kansas and has the qualifications of an elector
20 of the state of Kansas shall be appended to each petition and shall contain,
21 at the end of each set of documents carried by each circulator, a verifi-
22 cation, signed by the circulator, to the effect that such circulator person-
23 ally witnessed the signing of the petition by each person whose name
24 appears thereon.

25 (f) No such nomination paper shall contain the name of a candidate
26 for governor without in the same such paper containing the name of a
27 candidate for lieutenant governor, and if it does it shall be void.

28 (g) No person shall join in nominating more than one person for the
29 same office, and if this is done, the name of such petitioner shall not be
30 counted on any certificate.

31 Sec. 5. K.S.A. 25-212 and K.S.A. 2006 Supp. 25-303 and 25-213 are
32 hereby repealed.

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